Friday
18th May, 1956

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GIPN-S3-146 Lok Sabha 564—21-3-57-840

LOK SABHA

Friday, 18th May, 1956

The Lok Sabha met at Half Past Ten of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

रेल दुर्घटना

*२३१५. श्री आर० एस० तिवारी : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि जनवरी के तीसरे सप्ताह में पूर्वोत्तर रेलवे के डिफू रेलवे स्टेशन पर नम्बर ५७४ सवारी गाड़ी ६४ अप मालगाड़ी से टकरा गई;

(ख) यदि हां, तो इस दुर्घटना में कितने व्यक्ति मरे; और

(ग) उससे कितनी हानी हुई ?

The Deputy Minister of Railways and Transport (Shri Alagesan): With your permission, I will read the answer in English.

(a) At about 3-15 hours on 21-1-1956 while No. 943 UP Goods train (and not 94 Up Goods) was being received, on proper signal, on line No. 2 of Diphu Yard on the Lumding-Mariani Section of Pandu Region of the North-Eastern Railway, No. 514 Down Passenger train (and not 574) also entered the same line and collided head-on with it.

(b) No one was killed. 12 persons received minor injuries only.

(c) The approximate cost of damage to Railway property was Rs. 5,880.

श्री आर० एस० तिवारी : क्या माननीय मंत्री जी यह बतलाने की कृपा करेंगे कि जब स्टेशन पर दोनों गाडियां थी तब किसकी भूल से यह गाडी लडी ?

Shri Alagesan: There was an enquiry conducted by the District Officers and their finding is that it was the fault of the driver.

सेठ अचल सिंह : क्या माननीय मंत्री जी यह बतलाने की कृपा करेंगे कि यह जो वाक्या हुआ इसके लिए कौन जिम्मेदार था और उसके खिलाफ क्या कार्यवाही की गयी ?

Shri Alagesan: I said that it was the fault of the driver. Action will be taken against the driver.

Shri T. B. Vittal Rao: Some people were injured in this accident. May I know if the Government propose to modify the practice and carry out inspections even when nobody dies as a result of the accident? There may be only injuries to certain people as in the present case.

Shri Alagesan: I think that the present practice has got a justification to be continued. Statutory enquiries will be held only when people die or receive grievous injuries or the damage exceeds a certain limit. In these cases, there were minor injuries and it is considered that an enquiry by the officers will be quite sufficient.

TUBERCULOSIS CLINICS

***2316. Shri Wodeyar:** Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that Government are considering a scheme to grant subsidies to State Governments for setting up tuberculosis clinics in the country to provide cheap treatment for the middle and lower class people; and

(b) if so, whether the details of the scheme have been worked out?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) Yes.

(b) Details of the scheme are being worked out.

Shri Wodeyar: What is the total subsidy granted or proposed to be granted to the Mysore Government for setting up clinics in the Mysore State and has Malnad been given any priority?

Shrimati Chandrasekhar: As regards the latter part of the question, I may say that the Mysore Government has intimated to us that they have opened a clinic in Chickmagalur in Malnad area. As regards the first part of the question, I will be able to give a detailed answer only after the scheme is finalised.

Dr. Rama Rao: May I know the criteria by which they are guided in giving the actual amount to each State?

Shrimati Chandrasekhar: It will depend upon the areas concerned because the cost of the scheme will depend upon the land available and the cost of maintenance in each area. So, it cannot be said to be uniform. It will vary from State to State.

Shri S. C. Samanta: How many State Governments have approached the Central Government for help?

Shrimati Chandrasekhar: It is not only State Governments approaching us. We have written to all the State Governments and we have received replies from only some of the State Governments. Independent of this, the U. P. Government has sent a scheme. Detailed replies have been received from the Governments of PEPSU, Madhya Bharat, Assam and Madhya Pradesh and they are under consideration.

Shri Kasliwal: What will be the number of beds in each clinic?

Shrimati Chandrasekhar: Each Clinic will have a few beds because in most of the districts, accommodation for the TB patients will not be comfortable. It may not be possible to isolate the patients in their own homes. So, there will be a few beds in the clinic or in the institutions to which the clinics will be attached.

Pandit D. N. Tiwary: May I know the number of clinics to be opened in each State and also whether each district will have a clinic?

Shrimati Chandrasekhar: I am not able just now to say the number of clinics. Every district and every town with a population of 100,000 should have a clinic in the next Plan.

Shrimati Khongmen: May I know whether subsidies will be given only to new clinics or to existing clinics also?

Shrimati Chandrasekhar: There are about 170 clinics already in the country. All of them are not in a really good condition. Some clinics will have to be upgraded. So, assistance will be given to upgrade the existing clinics and also to open new clinics.

Shri V. P. Nayar: May I know whether the quantum of subsidy will be decided upon on the basis of the number of persons already suffering from TB in each State?

Shrimati Chandrasekhar: It will all be considered when the scheme is finalised.

केन्द्रीय सड़क निधि

*२३२३. **श्री भक्त दर्शन :** क्या परिवहन मंत्री यह बताने कि कृपा करेंगे कि :

(क) क्या यह सच है कि केन्द्रीय सड़क निधि में विभिन्न राज्यों के खातों में ऐसी बहुत सी धनराशियां बची हुई हैं, जिनका वे उपयोग नहीं कर पाये हैं;

(ख) यदि हां, तो प्रत्येक राज्य के खाते म इस समय कितनी धनराशियां शेष हैं; और

(ग) भारत सरकार द्वारा उन धनराशियों के शीघ्रातिशीघ्र उपयोग कराने के बारे में कौन सी विशेष कार्यवाही की जा रही है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेसन): (क) तथा (ख). एक विवरण सभा की मेज पर रख दिया दिया गया है [देखिए परिशिष्ट १४, अनुबन्ध संख्या १]

Shri Feroze Gandhi : May I suggest that he be allowed to read out the answer in English as we could not follow his Hindi ?

Shri Alagesan : I am in the hands of the House and yourself, Sir. If it is the desire of the House, I shall read it in English.

(a) and (b). A statement is placed on the Table of the Lok Sabha. [*See* Appendix XIV, annexure No. 1]

(c) The utilisation of the balance is entirely the concern of the State Governments. The Government of India have, however, been trying to impress on the State Governments the desirability of early utilisation of the funds in the interests of rapid road development in the country. The Government of India have also under consideration a proposal to draw up phased Five Year programmes of Road Development to be financed from the State allocations.

श्री भक्त दर्शन : इस विवरण से यह ज्ञात होता है कि लगभग ९ करोड रूपया इस समय विभिन्न राज्यों के खाते में जमा है । क्या मंत्री जी वे कारण बतला सकेंगे जिनकी वजह से इतनी बडी रकम रूकी पडी रही ? क्या राज्य सरकारों ने इस बारे में अपनी असमर्थता प्रकट की है ?

Shri Alagesan : I should like to say that from the inception of the fund there is an accumulation of about Rs. 39 and odd crores in the fund. The expenditure so far is estimated at Rs. 30 and odd crores. This has been already incurred. It is true that there is a balance of Rs. 895 lakhs, that is, about Rs. 9 crores, and this covers the various States. As I have stated in my answer, we are impressing on the State Governments that they should expedite the remaining schemes and thus expend the amounts under the respective heads.

श्री भक्त दर्शन : मंत्री जी ने अभी बताया कि केन्द्रीय सरकार का यह विचार है कि अगली पंचवर्षीय योजना में इस धन में से अधिक से अधिक पूंजी का व्यय किया जाय, और इस के लिए शायद योजनायें भी बनाई जा रही है । क्या मैं जान सकता हूं कि केवल राज्य सरकारें जिन योजनाओं की सिफारिश करेंगी उन पर ही विचार किया जायेगा या संसद सदस्य सीधे कोई सुझाव दें तो उन पर भी केन्द्रीय सरकार विचार करने की कृपा करेगी ?

Shri Alagesan : The position is that this is the concern of the State Governments. These allocations are credited to the State Governments and usually they send up various schemes. Of course, those schemes are subject to the approval of the Central Government. When Members of Parliament bring to our notice the necessity for undertaking any constructions, etc., we naturally send their suggestions to the State Governments who consider them in their turn and include the schemes in their programmes.

Shri Mohiuddin : May I know whether the non-utilization of this fund is due to the lack of engineers, technical equipment like road rollers, etc. ? Have the Government found out the reasons for such non-utilisation of the fund ?

Shri Alagesan : As I said, all these are spread over among the various States. The administrative machinery in the various State Governments is not geared up to the same extent in all cases. There are Part C States also where the machinery may not be quite adequate to cope with this work. But even in Part A States there are large balances still unspent. As I said, they are being asked to look into it. This is purely the responsibility of the States. I should also mention here that this is a non-lapsing fund. It does not lapse every year, and so the accumulations are expected to be a bit large.

Mr. Speaker : The question put by the hon. Member was, whether this non-utilisation was for want of technical personnel or machinery like road rollers, etc.

Shri Mohiuddin: Yes; that is the question at issue.

Shri Alagesan: I am not able to answer that question now.

श्री आर० एस० तिवारी : माननीय मंत्री जी ने जो यह ९ करोड रूपया बताया है उस में से पार्ट 'सी' राज्यों के लिए कितना है, और उन राज्यों में क्यों खर्च नहीं किया गया जब कि केन्द्रीय सरकार को खुद खर्च करने का अधिकार है ?

Mr. Speaker: Has the Central Government any right to distribute the amount or spend it directly? Is that the question?

Dr. Ram Subhag Singh: No, Sir. His question is: when the Central Government is authorised to spend that amount in the Part C States, why the amount is still lying unspent.

Shri Alagesan: Even the Part C States have their own machinery.

Mr. Speaker: What the hon. Member wants to know is, wherever it is the direct responsibility of the Centre, what was the difficulty in getting those amounts expended.

Shri Alagesan: It should be very clearly understood that the Roads Wing of the Transport Ministry is not an executive agency. The works are executed by the P.W.D. authorities of the various State Governments concerned, whether they are Part A, Part B or Part C States. It is not that the Roads Wing of the Transport Ministry is the executive agency for carrying out the works.

Mr. Speaker: I do not quite understand it. I do not quite know whether the hon. Minister can say, even with respect to a Part C State, that he has given the directions and that it is not the responsibility of the Transport Ministry to execute the work. Then, who is responsible for the roads in the Part C States? Is it the Transport Ministry or the department concerned in the Part C States? Who is to take up the responsibility of the road service in the Part C States? What is the agency? If the agency does not execute the work, the ultimate responsibility is that of the Central Government.

I would like that the Central Government should take the responsibility for the work in the Part C States, because, if the executive there does not take up the job, the Ministry is taken to task. The executive in respect of these things in the Part C States, is the Ministry of Transport, and therefore the Ministry must realise their responsibility. I hope they will take up the work in future.

CATERING CONTRACTS

***2326. Sardar A. S. Saigal:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that Government have decided for Western Railway and Central Railway that no catering contractor will be given more than 5 contracts; and

(b) If so, from what date Government propose to bring it into force?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No.

(b) Does not arise.

सरदार ए० एस० सहगल : क्या मैं जान सकता हूं कि विभिन्न रेलवेज में कंट्रैक्टर्स को कितने कंट्रैक्ट देने की पालिसी तय की गई है ?

Shri Alagesan: The maximum number of contracts that may be given to a contractor is laid down. As far as railway restaurants and refreshment rooms are concerned, 10 to 12 contracts is the maximum limit.

An Hon. Member: We do not hear the answer on this side.

Shri Alagesan: Obviously something is wrong with the mike. I am sorry I cannot raise my voice further. The limit for vending contracts is 5 to 7. Vending, catering and dining cars combined—15-20.

सरदार ए० एस० सहगल : क्या यह सत्य है कि दूसरी रेलवेज में जिन कंट्रैक्टर्स ने आठ माह तक काम कर लिया था उन से भी कंट्रैक्ट ले लिया गया है और क्या जो पालिसी तय हुई थी, यह उस के मुताबिक था ?

Shri Alagesan : In the case of large holders, they might have been deprived of some of their contracts. I do not know the duration for which those contracts have run. But there are large holders who are having more than one contract. So, they might have been deprived of some of their contracts even before their courses were run.

Shri Jangde : May I know whether the licences of any contractors have been terminated on account of subletting ?

Shri Alagesan: I should like to have notice. It has been answered before, but yet, I should like to have notice.

Padit D. N. Tiwary : In view of the large-scale unemployment in the country, will the Government consider the desirability of letting out contracts in the proportion of one contract to one individual ?

Shri Alagesan: This has been considered. To have only one contract for one individual may not be quite practicable. When the size of the holdings of established contractors is running to 50, 60 or sometimes to more than 100, it is rather too difficult to bring it down and limit the number to one contract for one individual.

RAILWAY FACILITIES FOR MEMBERS OF STATE LEGISLATURES

***2328. Shri Madiah Gowda :** Will the Minister of **Railways** be pleased to state :

(a) whether any State Government have requested the Central Government to allow the members of their State Legislatures to travel free in the railways within their State jurisdiction ; and

(b) if so, the reaction of the Central Government thereon ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) Yes ; U. P. and Assam Governments.

(b) A statement is laid on the Table of the Lok Sabha. [*See* Appendix XIV, annexure No. 2]

Shri Madiah Gowda : Have the Government any definite policy in the matter of allowing members of the State legislatures free travel in the trains in the jurisdiction of the States concerned ?

Shri Alagesan: There is no question of free travel at all. Even with respect to Members of Parliament, it is not free travel. It should not be understood as free travel, as far as the railways are concerned. The Lok Sabha and the Rajya Sabha Secretariats pay for all the travel of the Members. The State Governments have also been told that if they are prepared to pay as per certain conditions that have been communicated to them, it will be considered.

Shri Madiah Gowda : What is the arrangement that they have now arrived at—the arrangement between the Central Government and the Government of Assam ?

Shri Alagesan : The statement gives the suggestions made to these two Governments by the Railway Ministry, and we are awaiting the replies.

COMPENSATION FOR RAILWAY ACCIDENT

***2330. Shri Sanganna :** Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 921 on the 16th December, 1955 regarding railway accident on 141 Down Madras-Puri Passenger on the 5th August, 1955 and state :

(a) whether the two applications for payment of compensation have since been disposed of ; and

(b) if so, with what results ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No.

(b) Does not arise.

Shri Sanganna : May I know the reasons for not disposing of these applications so far ?

Shri Alagesan : They are before the Claims Commissioner. The cases are *sub judice.*

Shri Sanganna: May I know the category of the victims who are involved in the accidents?

Shri Alagesan: This is with reference to the payment of the claims. Our information is that these two cases are pending before the Claims Commissioner.

टेल्को

*२३३२. **श्री के० सी० सोधिया** : क्या **रलवे** मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५५-५६ में टाटा लोकोमोटिव और इंजीनियरिंग कम्पनी द्वारा कितने इंजन तथा बायलर तैयार किये गये;

(ख) भारत सरकार ने उनमें से कितने इंजन तथा बायलर खरीदे और प्रत्येक के लिये क्या किमत दी; और

(ग) क्या टाटा लोकोमोटिव के इंजन और बायलर उसी प्रकार के हैं जैसे कि चितरंजन लोकोमोटिव वर्क्स के, और यदि नहीं, तो दोनों में क्या अन्तर है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) १९५५-५६ में ४२ तैयार इंजन और ४२ बायलर मिले।

(ख) सब। इनके दाम अभी तय नहीं हुए हैं। दाम बहुत ज्यादा जान पड़ते हैं और टैरिफ कमीशन इसकी जांच कर रहा है।

(ग) जी नहीं। चितरंजन कारखाने में बड़ी लाइन के इंजन तैयार होते हैं और टाटा लोकोमोटिव वर्क्स में मीटर लाइन के। इन दोनों कारखानों में तैयार बायलर भी अलग-अलग ढंग के हैं।

श्री के० सी० सोधिया : सन १९५५-५६ से पेशतर जो एंजिन और बायलर ग्रिस कम्पनी से लिये गये थे, क्या उनकी किमत तय हो गई थी ?

Shri Alagesan: I do not follow the question.

Mr. Speaker: The hon. Member may put the question in English.

Shri K. C. Sodhia: May I know whether the prices of the locomotives and boilers purchased before 1955-56 have been finalised and payment made?

Shri Alagesan: Payments are being made.

Shri K. C. Sodhia: What was the difference in the price for 1954-55 and 1955-56?

Shri Alagesan: For 1954-55, from 1-7-1954 to 31-3-1955 the price quoted for YP locomotives was Rs. 6,54,544. For 1955-56, the price quoted for YG locomotives was Rs. 5,81,466.

Shri Kasliwal: Before TELCO was given permission to manufacture metre gauge engines and boilers, there was a workshop at Ajmer which was also doing the same work. After the permission was given to TELCO, the Ajmer workshop was not permitted to manufacture engines and boilers. May I know whether it is proposed to revive the Ajmer workshop for this purpose now?

Shri Alagesan: The Ajmer work shop is fully taken up by repairs, maintenance etc. The capacity of that workshop is fully utilised for that purpose.

Shri Feroze Gandhi: May I know whether there is any agreement between the Railway Ministry and the Tata Locomotive Company with regard to the price which the Railway Ministry was supposed to pay them for the manufacture of locomotives and boilers?

Shri Alagesan: There is an agreement governing the prices to be paid to TELCO. But, we have not been able to agree to the prices quoted by TELCO and the matter has been referred to the Tariff Commission.

Shri Feroze Gandhi: May I know whether the Tata Locomotive Company are unable to supply the Railway Minister with locomotives and boilers at the prices which they had agreed to?

Mr. Speaker: They have not yet agreed. The hon. Deputy Minister said the prices have not been settled.

Shri Feroze Gandhi: I am speaking subject to correction, but I think there was an agreement between the Railway Ministry and TELCO with regard to the prices of the locomotives and boilers.

Shri Alagesan: There is an agreement according to which the prices for the price fixed have to be mutually accepted and the whole thing is governed by this agreement. But, we have not been able to accept the prices quoted by TELCO and therefore the question has been referred to the Tariff Commission.

Shri P. C. Bose: May I know whether the Government is at liberty to examine the manufacturing costs of the Tata Locomotives?

Shri Alagesan: The Tariff Commission have been asked to do it and they will give their award.

Shri Feroze Gandhi: If there was an agreement between the Railway Ministry and TELCO, how has the new situation arisen that you are not prepared to accept the prices which you had previously to? I would like this point to be clarified.

Shri Alagesan: The agreement does not quote the prices. The agreement gives certain standards by which the prices can be fixed. Now, we have not been able to accept the prices quoted by them and the question has been referred to the Tariff Commission.

Shri S. V. Ramaswamy: May I know whether the Ministry is in possession of facts to show that while the prices of TELCO have not gone down, the prices of Chittaranjan have gone down? If the prices of TELCO are still high, why are they referred to the Tariff Commission.

Shri Alagesan: The Railway Ministry being a party to the dispute, we thought it would be better that an impartial tribunal should give their opinion on it.

Shri T. B. Vittal Rao: May I know whether any payments are being made to TELCO for the delivery of these locomotives and if so, at what rate; or whether the whole payment is held up awaiting the Tariff Commission's award?

Shri Alagesan: Provisional payments are being made.

Shri T. B. Vittal Rao: What are they?

Shri Alagesan: I should like to have notice.

STATUTORY BOARD FOR SUGARCANE PRICES

***2333. Shri Radha Raman:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether Government are considering a proposal to set up a statutory, independent and permanent Board at the Centre for fixing sugarcane prices;

(b) if so, the objectives which will be kept in view while instituting such a Board; and

(c) whether this Board will have its State branches also?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) to (c). The Sugar Delegation sent to Australia and Indonesia in the middle of 1955 has recommended *inter alia* that a Standing Advisory Committee be set up for advising the Government on the level at which the price of sugarcane should be fixed from year to year. The Report of the Delegation has been circulated to State Governments and other interests concerned for comments which are awaited. Government have not yet taken a decision on the subject.

Shri Radha Raman: Till the report of the Delegation is considered by the Government and decision is taken, may I know what steps Government is taking in order to fix the price of sugarcane and not allow it to go down?

Shri M. V. Krishnappa: Government have already fixed the price of sugarcane for 1956-57 season by taking into consideration the opinions of the State Governments and other interests concerned.

Shri Radha Raman: May I know when the Government expect that the report of the Delegation will be available and how much time will be taken in order to take a decision ?

Shri M. V. Krishnappa: We are very anxious that these things should be decided as early as possible. We are reminding the various State Governments which have not sent in their comments.

Dr. Ram Subhag Singh: In view of the latest recommendation of the Planning Commission by which the sugar magnates are now going to become monopolists, do Government think that there will be any necessity of implementing the recommendations of this Delegation now ?

Shri M. V. Krishnappa: Yes. These recommendations of the Delegation are very important. Apart from sugarcane prices, they refer to other aspects of the sugar industry, namely, how to maintain stable prices in the *gur* market so as to have uniform production of sugar, how to reach the targets fixed and so on.

Dr. Ram Subhag Singh: My question was different. According to the latest recommendation of the Planning Commission, the sugar magnates are now going to become monopolists of sugarcane growing ; therefore, what is the necessity for giving any effect to this recommendation of the Delegation ?

Shri M. V. Krishnappa: I do not understand what the hon. Member means by saying that the sugar magnates are going to have monopoly of sugarcane growing.

Dr. Ram Subhag Singh: That means you have not seen the Planning Commission's recommendation.

Shri M. V. Krishnappa: I have seen the Planning Commission's recommendation. If the hon. Member explains his question clearly, I will be able to answer it.

Pandit D. N. Tiwary: May I know what has become of the Kidwai formula which was to link the price of sugarcane to the recovery of sugar and the sugar price ?

Shri M. V. Krishnappa: The price linking formula is being reexamined by an Expert Committee. The same Committee is also examining the possibility of payment of cane price according to recovery.

Pandit K. C. Sharma: In what month do you fix the price generally?

Shri M. V. Krishnappa: In September or October. For the three seasons 1954-55 to 1956-57 prices have been fixed a year in advance, so that the cane growers might know the price they could expect and plan production, because sugarcane takes 12 months or so from sowing to harvesting.

JAUNDICE

*2334. **Shri Gidwani:** Will the Minister of **Health** be pleased to state :

(a) whether it is a fact that the Indian Council of Medical Research has concluded its enquiry into the cause of Jaundice epidemic ;

(b) if so, whether they have submitted any report ; and

(c) the nature of the report submitted ?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) The enquiry sponsored by the Indian Council of Medical Research into the Jaundice epidemic is still in progress.

(b) and (c). No report has yet been submitted.

Shri Gidwani: When will the report be submitted ?

Shrimati Chandrasekhar: They have completed taking the results. Now, they are analysing. As soon as the analysis is complete, the report will be submitted.

Shri Gidwani: Has the attention of the Government been drawn to a report published in this morning's papers that there have been some cases of virus encephalitis? Will the Government call a meeting of experts with a view to take measures before it assumes an epidemic form?

Shrimati Chandrasekhar: I too saw the report this morning. I think all necessary measures will be taken to safeguard the citizens of Delhi.

Shri V. P. Nayar: May I know whether in the enquiry any study has been made of the strains of virus which caused infective hepatitis and if so whether such strains were known strains of this particular virus or new strains in Delhi?

Shrimati Chandrasekhar: Investigations were carried under five heads. epidemology, histology, biochemistry and radiology, virology, electronic microscopic study and animal experimentation, and therapy. In these five different ways they are trying to find out the causative organism of the disease and they will take steps to remedy.

Shri Radha Raman: Pending the final report and the action which the Government might take in this matter, in view of the reports available to us earlier that jaundice was caused by contamination of water, may I know what immediate steps Government is taking or has taken to see that that mistake is not repeated?

Shrimati Chandrasekhar: It was answered a number of times that the disease was caused by unclean water and every step is being taken to supply the Delhi citizens clean water.

POSTS AND TELEGRAPHS OFFICES IN CUTTACK

*2335. **Shri K. C. Jena:** Will the Minister of **Communications** be pleased to state:

(a) whether there is any proposal to shift the offices of the Director of Posts and Telegraphs fro mCuttack to Bhubaneswar;

(b) whether there is any proposal to construct buildings for Posts and Telegraphs offices in the new capital of Orissa;

(c) if so, whether land has been acquired; and

(d) the latest date by which the offices of the Director of Posts and Telegraphs will be completely shifted from Cuttack to Bhubaneswar?

The Minister of Communications (Shri Jagjivan Ram): (a) to (d). The proposals under examination are only for opening new operative offices, *i.e.*, Post and Telegraph Offices at Bhubaneswar, by constructing new buildings for the purpose. The question of obtaining land has been taken up with the State Government.

Shri K. C. Jena: May I know whether the Government is aware that for want of accommodation, different sections of the D. P. T. office at Cuttack are held in quite distant places from one another, on account of which the public concerned undergo a lot of trouble to get a piece of work done?

Shri Jagjivan Ram: There is difficulty of accommodation. After some of the offices of the State Government go to Bhubaneswar, we think that more accommodation might be available to us.

Shri K. C. Jena: May I know whether it is a fact that to trace out a file, sometimes it becomes very difficult as they cannot properly be arranged due to want of space, and if so, the steps Government propose to take?

Shri Jagjivan Ram: I could not follow the question.

Shri K. C. Jena: May I know whether it is a fact that most of the employees of the D. P. T. office at Cuttack have not been provided with Government quarters on account of which most of the employees belonging to the depressed classes suffer most as it becomes extremely difficult on their part to get private rented houses in the Cuttack town as most of the said house owners observe a rigid form of untouchability?

Shri Jagjivan Ram : I have said that the accommodation position is difficult there. We hope that if more offices of the State Government go to Bhubaneswar, we hope to get more accommodation both for the offices and the staff.

श्री राधे लाल व्यास : मध्य भारत क एक दैनिक हिंदी पत्र म यह समाचार निकला है कि डायरेक्टर जनरल आफ पोस्टस एंड टेलिग्राफस के दफ्तर ग्वालियार में लाय जा रह हैं : क्या में जान सकता हू कि वह समाचार कहां तक सही ह ? अगर वह सही नही हैं, तो क्या यह उचित न होगा कि चूंकि ग्वालियार में काफी बिल्डिग्ज हैं, ईस लिय व आफिसेस वहां ही ले जाये और नई बिल्डिग्ज बनाने की आवश्यकता न हो ?

Shri Jagjivan Ram : How does it arise ? The question is about Cuttack. My hon. friend is asking about Madhya Bharat.

Rajkumari Sports Coaching Scheme

***2336. Shri Kamath :** Will the Minister of **Health** be pleased to refer to the reply given to Unstarred Question No. 1430 on the Rajkumari Sports Coaching Scheme on the 24th April, 1956 and state :

(a) whether the expenditure incurred so far on the scheme has been audited so far ;

(b) if so, by whom ;

(c) if not, the reasons therefor ; and

(d) whether a copy of the audit report will be laid on the Table of the Lok Sabha ?

The Deputy Minister of Health (Shrimati Chandrasekhar) : (a) Yes.

(b) The expenditure was audited by Shri Z. R. Irani, a registered Accountant.

(c) Does not arise.

(d) Three statements of audited accounts for the years 1953-54, 1954-55 and 1955-56 are laid on the Table of the Lok Sabha. [*See* Appendix XIV, annexure No. 3]

Shri Kamath : Is it a fact that the auditor whose statements are laid on the Table is a member of the Coaching Committee itself and if so, does the Government propose to continue this particular audit arrangement by a person who is a member of the Coaching Committee, who is obviously an interested party ?

Shrimati Chadrasekhar : The person who audited is only a honorary treasurer. He does not get any remuneration from the committee. He is a member of the committee. Because of his qualifications, it was considered that if he audited, it would be all right. So it was audited by him.

Mr. Speaker : For how long he has been doing that ?

Shrimati Chadrasekhar : For three years.

Shrimati A. Kale : Could the Government not find an independent auditor to audit the accounts ?

Shrimati Chandrasekhar : We shall consider that.

सरदार ए० एस० सहगल : क्या यह वाजिब नहीं होगा कि जो मेम्बर हैं उन से आडिट न कराया जाय, चाहे वह आनरेरी हों या किसी और तरह से हों ?

Shrimati Chandrasekhar : I think I have replied to this.

Shri Kamath : From the statement I find several names are listed. May I know why no amount during all these three years or more has been spent for coaching in popular Indian games such as kabaddi and wrestling ?

Shrimati Chandrasekhar : I require notice for that.

Shri Kamath : The audit statement for this year shows an item Squash and an amount of Rs. 1,500 against it. Is it a fact that the purpose for which

the amount was sanctioned was not for coaching in squash, but was actually paid to the persons who went to the U.S.A. to play the game in some tournament there ?

Shrimati Chandrasekhar : I am not aware of the second part of the question. For the first part, I require notice.

Shri Kamath : Considering that so much money, nearly Rs. 3 lakhs have been sanctioned for this scheme during the last 3 years out of the poor taxpayers' money ....

Mr. Speaker: That need not be said. Whatever money is gathered is by taxation.

Shri Kamath: .....how is it that this scheme is named after a Rajkumari and which Rajkumari is it ?

Shrimati Chandrasekhar: Of course, it is the Health Minister who sponsored the scheme. The scheme has been named after her because she takes real good interest in the scheme. She takes very good interest in national sports.

Dr. Rama Rao : The accounts show that a lion's share of the amount goes to tennis. There is great complacency about hockey. Tennis gets Rs. 85,000 while hockey gets Rs. 13,000. May I know whether the Government intends to spend more money for hockey, especially for areas in the south ?

Shrimati Chandrasekhar : If it is necessary that would be considered.

गाड़ियों की नियमितता

*२३३८. **श्री जांगडे :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि पिछले तीन मास में हावड़ा-नागपुर लाइन पर सवा ी और डाक गाड़ियां किस कारण से विलम्ब से चलती रही है और उनमें नियमितता नहीं आई है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): खास तौर पर राज्य पुनर्गठन कमीशन की रिपोर्ट के सम्बन्ध में उपद्रव के कारण और भिलाई स्टील प्लान्ट और दूसरी बड़ी योजनाओं के लिये लाइन की क्षमता बढ़ाने के सम्बन्ध इंजीनियरिंग के काम के कारण ।

Shri Jangde : Even after so many interpellations for the last three months, not only are the trains in this line, but also in the different railways, branch lines and particularly the G.T. Express, running usually late. Why has not the Government taken any measures ?

Shri Alagesan : We are seized of the matter and we have instructed the various railway administrations that they should see that punctuality improves, but I have already stated the major causes on this particular line.

Shri Feroze Gandhi : At the beginning of the First Five Year Plan there was late running of trains, and now that the First Five Year Plan has been completed we find that the running of passenger trains has not improved as far as the timings are concerned, especially during the months of April, May, June and July. May I know what steps the Railway Ministry intend to take even at this late stage to see that these passenger trains run to time ?

Shri Alagesan : It has also been explained several times on the floor of the House that especially during the months which the hon. Member mentioned.....

Shri Feroze Gandhi : I cannot hear.

Shri Alagesan : I am able to hear the hon. Member.

.....there are special difficulties with reference to water and health of the staff, and generally there is a setback in punctuality in the summer months.

Sardar A. S. Saigal : May I know whether the policy of giving priority to suburban trains over mail or express trains will be examined and mail and express trains given priority over suburban trains ?

Shri Alagesan : Regarding punctuality, I may inform the House that the Estimates Committee have also gone into the question and they have prescribed standards of punctuality, and they have fixed punctuality percentage for mail and passenger trains, and we have asked the railway administration to adhere to these as far as possible.

BREACHES IN ASSAM RAIL LINK

***2340. Shri Debendra Nath Sarma :** Will the Minister of **Railways** be pleased to state :

(a) whether it is a fact that the Assam Link line of the North-Eastern Railway remains breached during the monsoons;

(b) if so, the duration of such breaches in 1952, 1953, 1954 and 1955 ;

(c) the total loss to Railways due to breaches ; and

(d) the measures contemplated for making the link line free from such breaches in future ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No, not always.

(b) 54 days in 1952 ; none in 1953; 122 days in 1954; and 65 days in 1955.

(c) Rs. 2 crores approximately.

(d) A committee has been set up to examine the general question of stabilisation of the link route and to suggest remedial measures.

Shri Debendra Nath Sarma: May I know how long it will take to get the report of that committee ?

Shri Alagesan : I shall not be able to say. We have asked them to examine it quickly. There are one or two surveys also that have to be carried out, and those surveys will be taken into account by this committee. So, it may take some time, I am not able to say.

Shri G. P. Sinha : May I know if the committee will also examine the breach caused in North Bihar during the monsoon ?

Mr. Speaker : This relates to Assam.

Shri Alagesan : This is with reference to the Assam Rail Link.

Shri Barman : May I know whether this committee, in addition to finding out ways of strengthening the link, will also enquire about the alternative route suggested by the Government of Assam ?

Shri Alagesan : They will take that also into consideration.

Shri Debendra Nath Sarma : May I know whether there was stoppage of communications recently in that line ?

Shri Alagesan : Maybe, due to flood there might have been some dislocation.

FAMILY PLANNING

***2341. Dr. Ram Subhag Singh:** Will the Minister of **Health** be pleased to state :

(a) whether any proposal has been prepared by Government to propagate family planning in the rural areas ;

(b) if so, the nature of the proposal; and

(c) the medium to be used for propagating it ?

The Deputy Minister of Health (Shrimati Chandrasekhar) : (a) Yes.

(b) and (c). The details of the Scheme are under consideration.

Shrimati A. Kale : May I know whether Government will consider the utility of training some workers and sending them to villages for family planning work ?

Shrimati Chandrasekhar : It is also included in the Second Five Year Plan because we need trained personnel to run the centres to be opened under the Second Five Year Plan.

Dr. Ram Subhag Singh : In reply to parts (b) and (c) of the question the Minister said that the details are under consideration. May I know whether they will be considered on the return of the Minister of Health from U.S.A. or before ?

Shrimati Chandrasekhar : Yes, Sir. Shortly it will be completed.

Shri H. N. Mukerjee : May I know if it is the experience of Government that in the absence of an increase in the standard of living, propaganda for family planning in the rural areas becomes rather futile, and if so, what Government propose to do about it?

Shrimati Chandrasekhar: Yes, Sir. We realise the difficulty. That is why in the Second Five Year Plan we have also got schemes to educate the people by audio-visual aids, films and posters especially in the rural areas about this subject.

Shrimati A. Kale: Do Government think of utilising the services of women's organisations that are running in towns in view of the fact that this is a colossal problem to be tackled?

Shrimati Chandrasekhar: Yes, Sir. even now the assistance of women's organisations is taken when they are doing family planning work in voluntary organisations.

Shrimati A. Kale: Will any monetary help be given to these institutions?

Shrimati Chandrasekhar: I think the hon. Member should be aware of the grants-in-aid given to voluntary organisations. In 1954-55 we have given Rs. 1,07,748 and in 1955-56, Rs. 3,28,349 has been given to the voluntary organisations alone to carry out this work.

Shri G. P. Sinha *rose—*

Mr. Speaker: I am afraid I have allowed a number of questions.

CATERING CONTRACTS

***2343. Sardar A. S. Saigal:** Will the Minister of **Railways** be pleased to state:

(a) whether Government are aware that catering contractors have contracts on more than one Railway; and

(b) if so, whether Government propose to restrict a catering contractor to one zonal Railway only and transfer his contracts on other Railways to other contractors?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes; in a few cases.

(b) Government have already taken action to restrict the holdings of catering contractors within a compact area on one Railway except in a very few cases, where for special reasons, contracts on more than one railway have been allowed to the same contractor.

Sardar A. S. Saigal: May I know how many such contractors have transferred their contracts to others in the zonal railways?

Shri Alagesan: That will require collection of figures.

Mr. Speaker: No information now.

Pandit D. N. Tiwary: What are the special reasons that have compelled the railway administration to give contracts for more than one railway?

Shri Alagesan: When two points are very near each other and they fall within a compact area, it may be given.

Shri B. S. Murthy: May I know what steps are being taken to see that the vendors employed are not disturbed by the change of the contractors?

Shri Alagesan: I have already answered this question several times. They being not railway employees, we cannot directly impose anything, but we have asked the railways to use their good offices with the new contractors to see that they employ as many of the old employees as possible.

Sardar A. S. Saigal: Has Government considered the viewpoint expressed in this House that only one contract should be given to a contractor in one zonal railway?

Shri Alagesan: That was not voiced as far as I remember by any hon. Member, not even by the Member who put the question.

Shri G. P. Sinha: By what time will there be complete departmental catering?

Shri Alagesan: The policy is not to departmentalise every single contract. Departmentalisation may spread more than at present. We have just made a beginning, but the intention is not to do away with private catering altogether. There will be a sort of co-existence, one profiting by the experience of the other.

Mr. Speaker: Next question.

Shri G. P. Sinha *rose*—

Mr. Speaker: Some hon. Members rise after all the questions are exhausted. They must come prepared and stand up first. I will try to give them opportunities.

RAIL-BRIDGE AT BEZWADA

***2344. Shri B. S. Murthy:** Will the Minister of **Railways** be pleased to state:

(a) whether the plans to expand the rail-bridge at Bezwada on Krishna River have been completed;

(b) the financial commitments of the plan; and

(c) the time when the plan will be taken up?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) There is no such proposal under consideration.

(b) and (c). Do not arise.

Shri B. S. Murthy: In view of the fact that the railway line from Madras to Bezwada is being doubled, is it not under the contemplation of the Railway Ministry to provide another bridge at Bezwada?

Shri Alagesan: The railway line between Tenali and Gudur is being doubled. The section between Bezwada and Tenali is not going to be doubled.

Shri T. B. Vittal Rao: In view of the transport bottleneck at Bezwada, may I know what arrangements are being made to increase the section or line capacity between Bezwada and Tenali?

Shri Alagesan: Guntur which is now linked by metre gauge will be linked by broad gauge.

Shri B. S. Murthy: May I know if the hon. Minister is aware that several trains including the Grand Trunk Express and the Madras-Calcutta Mail are often held up at Bezwada for want of passage on the bridge, and if so, what steps is he going to take to see that the congestion is removed.

Shri Alagesan: As far as I am aware, the bridge is no bottleneck.

ROADS IN ANDAMANS

***2345. Shri Ibrahim:** Will the Minister of **Transport** be pleased to state the amount spent for the development of roads in the Andaman Islands during 1955-56?

The Deputy Minister of Railways and Transport (Shri Alagesan): The figures of actual expenditure are not yet known but the expenditure is estimated at Rs. 8,79,200.

Shri Ibrahim: May I know the total amount earmarked for the year 1955-56?

Shri Alagesan: That is the figure I have just given.

Shri S. C. Samanta: May I know whether any survey has been made to connect South and North Andamans by road?

Shri Alagesan: That survey is being made. In fact, this was the subject of an earlier question which I had answered.

Shri K. K. Basu: May I know the mileage that is going to be constructed under this road programme?

Shri Alagesan: The second plan also has been drawn up. I do not have the exact mileage. I have got some figures here, which are as follows. In the Andaman Islands, additional roads proposed will be for a length of 90 miles, and in Nicobar Islands, it will be for a length of 25 miles.

Dr. Ram Subhag Singh: May I know how many miles were constructed in 1955-56 by spending the amount which the Minister stated just a little while ago?

Shri Alagesan: 130 miles of roads were improved, and 83 miles of new roads were constructed during the first plan.

NATIONAL HIGHWAYS

***2346. Shri Madiah Gowda:** Will the Minister of **Transport** be pleased to state:

(a) whether any amount has been expended for planting roadside trees in National Highways during the year 1955-56;

(b) the number of trees planted; and

(c) how these trees are protected and by whom?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir. Information as to the amount of expenditure incurred is not available, as the cost is debited to maintenance and no separate accounts are maintained.

(b) This information is also not available.

(c) The trees are looked after by State Public Works Departments generally who provide guards, where necessary.

Shri Madiah Gowda: May I know whether Government have made any survey of the existing trees, their number and their condition?

Shri Alagesan: We generally get this information from the State Governments, and it takes really a long time to collect it, for the State Governments have not been very prompt in sending their replies.

Shri Keshavaiengar: May I know whether Government are aware of the fact that many of these trees are being cut and removed, and if so, what steps Government propose to take to remedy this evil?

Shri Alagesan: The State Governments are supposed to look after them and maintain them in proper condition. They have also been instructed to plant an alternative row of trees, so that they may replace the existing old trees and trees which are cut.

Shri Keshavaiengar: What is the remedy?

Shri Kamath: With a view to planting these roadside trees and making beautiful avenues on the National Highways, have the Ministry requested the co-operation of the Agriculture Ministry, so that the annual *vana mahotsava* can partly be celebrated on the National Highways?

Mr. Speaker: The hon. Member wants to know whether there is any coordination between these two Ministries, so that the one could utilise the other.

Shri Alagesan: There is the coordination that is called for.

अलाभप्रद रेलवे लाइनें

***२३४८. श्री के० सी० सोधिया:** क्या रेलवे मंत्री यह बतलाने की कृपा करेंगे कि :

(क) भारत सरकार की रेलों के ऐसे प्रत्येक विभागों की मीलों में लम्बाई कितनी है जिनके लिये राज्य सरकारों ने गारंटी दी है;

(ख) राज्य सरकारों को अलग-अलग कितनी कितनी रकम गारंटी के रूप में देनी पड़ती है; और

(ग) इस रकम में प्रत्येक वर्ष घटा-बढ़ी होने के कारण क्या है?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) तथा (ख:) एक बयान सभा पटल पर रख दिया गया है [देखिये परिशिष्ट १४, अनुबन्ध संख्या ४]

(ग) गारन्टी की रकम शुद्ध आमदनी के घटने और बढ़ने के साथ घटती-बढ़ती है; और शुद्ध आमदनी साल की कुल आमदनी और संचालन-व्यय पर निर्भर रहती है

Shri K. C. Sodhia: From the statement, I find that there are arrears from the Madras Government for four years continuously. May I know under what circumstances these guarantees were given by the State Government for the construction of these lines?

Shri Alagesan: There are no arrears; they are being paid.

Mr. Speaker: Next question.

Shri K. C. Sodhia: From the statement, I find that the amount of guarantee due in 1951-52 was Rs. 62,547, that in 1952-53 Rs. 1,00,203, that in 1953-54 Rs. 44,694.....

Mr. Speaker: I have called the next question.

COMMUNITY PROJECTS AND N.E.S. BLOCKS

***2349. Shri Sanganna:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether any Community Projects and National Extension Service Blocks in the different States have taken advantage of the co-operative societies as recommended by the Committee of Direction of the Rural Credit Survey of the Reserve Bank of India;

(b) if so, in which States; and

(c) the amount of credit applied for and given?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Yes Sir.

(b) Andhra, Bombay, Madras, Orissa, PEPSU, and Vindhya Pradesh.

(c) In Pepsu Rs. 18 lakhs was applied for and Rs. 11 lakhs given and in Vindhya Pradesh Rs. 2 lakhs was applied for and 1·5 lakhs given. Information about other States is being collected.

Shri Sanganna: Are Government aware that though these credit facilities are available in the community projects and national extension service blocks, yet the villagers are finding it difficult on account of the unnecessary formalities and technical difficulties?

Shri M. V. Krishnappa: That was under the existing co-operative credit system. But this is a pilot scheme which has been put into operation. These pilot schemes will be tried in some of the States, and they will be part of a new scheme that is going to be put into effect.

Shri B. S. Murthy: May I know the amounts applied for by the Madras and Andhra State Governments, and why they have not yet been given any grants?

Shri M. V. Krishnappa: I said that the information regarding the other States is being collected.

Shri B. S. Murthy: What are the amounts applied for?

Shri M. V. Krishnappa: I said that the information is being collected, and when we get the information, we shall give it.

Shri Velayudhan: May I know whether Government have received any complaint to the effect that while distributing this amount to the national extension service blocks and the community project areas, the officers take a certain percentage of the amount as bribe or corruption or something like that?

Shri M. V. Krishnappa: That is an old story. But this is a new scheme. There are no complaints in regard to this scheme, because as the procedure has been very much liberalised and made very easy, the man who wants to get credit in time is not at the mercy of the officers. The rules have been relaxed under the new scheme.

Shri N. B. Chowdhury: May I know whether this scheme for the development of co-operatives for the purpose of rural credit supply is integrated with the national extension service block and community project schemes or it is a separate scheme which is administered by other executive officers?

Shri M. V. Krishnappa: It is a separate scheme under the Co-operative Department. But with the co-operation and co-ordination of the national extension service block administration, these pilot projects are being carried out in those areas.

मध्य प्रदेश में चावल का मूल्य

*२३५०. **श्री जांगडे :** क्या **खाद्य और कृषि** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि मध्य प्रदेश के दुर्ग जिले में, जहां नहर निर्माण कार्य चल रहे हैं, सरोधा, गोंडली और दुधवा क्षेत्र में चावल २६ रुपये से ३० रुपये प्रति मन के हिसाब से बिक रहा है;

(ख) यदि हां, तो क्या यह मालगाडी के डिब्बों के न मिलने के कारण है; और

(ग) इन क्षेत्रों में चावल का सस्ते मूल्य पर संभरण करने के लिये सरकार ने क्या कार्यवाही की है ?

खाद्य और कृषि उपमंत्री (श्री एम० वी० कृष्णाप्पा) : (क) जी नहीं। सरोधा और गोंडली क्षेत्र में चावल का मौजूदा चालू भाव साढ़े सोलह रुपये और सत्तरह रुपये प्रति मन के बीच में है। दुधवा, रायपुर और बस्तर जिले की सीमा पर है और वहां चावल का भाव सोलह से उन्नीस रुपये तक प्रति मन बताया जाता है।

(ख) यह सवाल उत्पन्न नहीं होता, क्योंकि तीनों केन्द्रों में रेल के स्टेशन नहीं हैं।

(ग) राज्य सरकार वहां की स्थिति को ध्यान पूर्वक देख रही है और जब कभी जरूरत होगी तो मजदूरों को उचित भाव पर चावल देने का प्रबन्ध किया जायेगा।

श्री जांगडे : माननीय मंत्री जी ने अभी बतलाया कि वहां चावल १६ से १९ रुपये तक प्रति मन के हिसाब से बिकता है। मैं स्वयम् वहां गया था और देखा कि वहां वह २६ से ले कर ३२ रुपये प्रति मन तक बिकता है, यानि एक रुपये में पांच पाव चावल बिकता है जब कि पड़ोस के क्षेत्र में रूपये का तीन सेर बिकता है। क्या मैं जान सकता हूं कि चावल के भाव बढ़ने के जो कारण हैं उन में क्या यह कारण भी शामिल नहीं है कि वहां पर कई हजार मजदूर दूर दूर के क्षेत्रों से पहुंच गये हैं और उन्होंने चावल का भाव बढ़ा दिया है।

श्री एम० वी० कृष्णाप्पा : यह बात सच है कि जब आप ने यह प्रश्न भेजा था तब चावल का भाव ज्यादा था, अब वह कम हो रहा है और बहुत तेजी से कम हो रहा है। मध्य प्रदेश सरकार को हम ने चावल दिया है और जिस जिस जगह पर चावल का दाम बढ़ता है वहां पर वह उस को भेजती है।

Mr. Speaker : Next question.

Sardar A. S. Saigal *rose*—

Mr. Speaker : 'Chaaval' coming up every day.

Sardar A. S. Saigal : This is a very important matter, as far as Madhya Pradesh is concerned.

मंत्री महोदयने जवाब में यह बताया कि राज्य सरकार इस को देख रही है। मैं जानना चाहता हूं कि अभी तक मध्य प्रदेश की सरकार ने इस के ऊपर क्या क्या कार्यवाही कि है जिस से की दाम कम हो जाय।

श्री एम० वी० कृष्णाप्पा : अध्यक्ष महोदय, मैंने जवाब में बतलाया है कि जहां चावल का भाव बढ़ जाता है वहां पर मध्य प्रदेश की सरकार ने चावल सस्ते दाम पर बिक्री करने का इन्तजाम किया है।

Shri Velayudhan : May I know whether this rise in the prices of rice and other foodgrains is not only in this area, but everywhere, and it is because of the large quantity of exports made recently by the Government ? Have Government got any statistics regarding the exports made from India in this connection ?

Shri M. V. Krishnappa : This is a wrong impression. It is not correct to say that the export of rice was one of the causes for the rise in the price of rice. Our export compared with our import was very little. It had more a psychological effect than anything else. Though we declared an exportable quantity of 2 lakh tons, in two years we were able to export only 1 lakh tons, and that too the quality rice which our own people who are living in British colonies like to use ; they want to eat our own rice. Some of the Saudi Arabian countries also use this

pulao and other fine quality rice. So it has nothing to do with exports.....

Shri Velayudhan: What about wheat?

Shri M. V. Krishnappa: Even that export of the rice which we declared was when the price of rice touched uneconomic levels.

अल्प सूचना प्रश्न और उत्तर

काठमांडू में विमान दुर्घटना

अल्प सूचना प्रश्न सं १७. श्री संगण्णा: क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि १५ मई, १९५६ को दोपहर के बाद एक आई० ए० सी० डकोट जो सिमरा हवाई अड्डे से उड़ा था, काठमांडू हवाई अड्डे पर उतरने समय दुर्घटनाग्रस्त हो गया, जिसके परिणामस्वरूप १८ यात्री मर गये और कितने ही घायल हुए, और

(ख) यदि हां, तो दुर्घटना का वास्तविक विवरण क्या है ?

संचार मंत्री (श्री जगजीवन राम): (क) भारतीय विमान वाहिनी निगम (Indian Airlines Corporation) का एक यात्री विमान जो नैपाल में सिमरा से काठमांडू को असूचित उड़ान कर रहा था १५-५-५६ को लगभग २ बज कर ५४ मिनट पर काठमांडू में जब कि वह उतर रहा था नष्ट हो गया। इसके फलस्वरूप १४ यात्रियों की, जिनमें एक शिशु भी सम्मिलित है, मृत्यु हो गई। तीन कारुकों (crew) के अतिरिक्त विमान में २ शिशु, ११ बालक और १७ वयस्क कुल मिला कर तीस यात्री थे।

(ख) प्राप्त सूचना से यह विदित होता है कि उतरने के बाद विमान धावनपथ (runway) की सीमा के भीतर रूक न सका। वह विमान क्षेत्र के बाहर चला गया, क्षेत्र की अन्तिम सीमा पर ढ़लान में दौड़ गया, और एक झोंपड़ी से टकरा गया। विमान में तुरन्त ही आग लग गयी और वह नष्ट हो गया। नैपाल सरकार के दो प्रतिनिधियों के साथ भारतीय नागरिक विमान विभाग (Indian Civil Aviation Department) के अधिकारियों द्वारा दुर्घटना की जांच की जा रही है।

Shri Gidwani: Is it a fact that Shri A. Chitamber, Chief Operation Manager of the Indian Airlines Corporation visited Kathmandu after the crash? If so, has he submitted any report?

Shri Jagjivan Ram: Some officers of the Indian Airlines Corporation as well as of the Indian Civil Aviation department visited the place, but no report has yet been submitted.

Shri Kamath: Is it a fact that almost all the airports in Nepal do not conform to the specifications and standards prescribed by the ICAO, and consequently very often it has happened that our reluctant pilots of the IAC have been compelled or forced to fly aircraft over these airports on pain of punishment or even dismissal from service?

Shri Jagjivan Ram: I strongly repudiate the latter part of the question. It has no basis, because we are asking for volunteers who are going there for one month at a time, and they are paid Rs. 30 per day extra allowance for operation in Nepal. Nobody has been forced to do it on pain of dismissal or anything like that. This allegation is without any basis and without any foundation.

As regards the standard of the aerodromes in Nepal, it is a fact that all the aerodromes are not upto the standard. Some of the aerodromes in the interior are not fitted with necessary equipments. So far as the Kathmandu airport, where the unfortunate accident took place is concerned, that is more or less a fairly standard aerodrome.....

Shri Kamath: Fairly.

Shri Jagjivan Ram: .....with sufficient runway with equipments which are necessary at a fairly well-maintained aerodrome.

Shri Kamath: Is it a fact that Government have sanctioned loans or grants for bringing these airports upto the standards laid down by the ICAO? If so, how far has the work progressed with regard to the airports?

Shri Jagjivan Ram: We did make some improvement in these aerodromes. But, as I said, some of the aerodromes in the interior are not quite satisfactory. So far as the Kathmandu aerodrome is concerned, it has a runway length of 1250 yards. As far as equipment is concerned, it is equipped with beacon light, the range of which is 100 to 120 miles—this was recently done. Of course, we have taken some interest in equipping these aerodromes. That is the present position of the Kathmandu airport.

Shri G. S. Singh: Press reports have indicated that the primary cause of the accident was a swing of the starboard after touching down, which could not be corrected. May I know whether preliminary investigation has indicated whether this was due to tyre burst or any other structural failure or pilot error?

Shri Jagjivan Ram: It is too premature to say anything about the cause of the accident, because the intention is to have a Court of Inquiry. But under the international rules, the Court of Inquiry is to be set up by the country where the accident took place. We are in consultation with the Government of Nepal for the setting up of an Inquiry Commission and it will be for that Commission to investigate the cause of the accident.

Shri Kasliwal: Is it a fact that this is the third accident of its kind on this airfield?

Shri Jagjivan Ram: There have been, unfortunately, some accidents there.

Shri G. P. Sinha: How many such accidents took place after landing? Or is it the first?

Mr. Speaker: It has been answered.

Shri Matthen: The hon. Minister has said that the Kathmandu aerodrome is 'more or less' of the standard and it is fairly well-equipped. Is it upto the standard or not?

Shri Jagjivan Ram: If my hon. friend has cared to listen to me he would have known the details which I gave. The length of the runway is 1250 yards, whereas normally in India, the minimum requirement is only 1200 yards. So the runway is enough for the purpose, and it has been equipped with the latest beacon light—that also I have stated.

Shri T. B. Vittal Rao: The maximum seating capacity of a Dakota is about 23 passengers. May I know the circumstances under which this Dakota was allowed to carry 29 passengers and two infants?

Shri Jagjivan Ram: My hon. friend perhaps forgets that the maximum capacity is not determined by the number of passengers but by the weight.....

Shri N. C. Chatterjee: The passengers were all underweight.

Shri Jagjivan Ram: ..... In some Dakotas, we have fitted even 28 seats. It means that when we have 28 passengers, the freight taken will be very small. But the overall weight of the passengers etc. should, not exceed, I think, 25,000 lbs. So it is determined by the weight and not by the number of passengers.

WRITTEN ANSWERS TO QUESTIONS

Mobile Post Offices

***2314. Shri Krishnacharya Joshi:** Will the Minister of **Communications** be pleased to state:

(a) whether Government propose to extend the urban mobile post office scheme to other important Indian cities during the current year; and

(b) if so, to which places?

The Minister of Communications (Shri Jagjivan Ram): (a) Yes.

(b) Bombay and Calcutta.

Railway Service Commission

***2317. Shri Raghavaiah:** Will the Minister of **Railways** be pleased to state:

(a) the number of members on the Railway Service Commission for the selection of candidates on Southern Railways; and

(b) the principle on which members for this Commission are selected and appointed ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) One Chairman and one Member.

(b) Retired gazetted officers and non-officials of standing are selected, if necessary, in consultation with State Governments.

RECRUITMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES IN RAILWAYS

***2318. Shri Bheekha Bhai:** Will the Minister of **Railways** be pleased to state :

(a) whether Government have been able to recruit Scheduled Castes and Scheduled Tribes candidates to fill up prescribed quota of posts reserved for them in the Indian Railways since the enactment of the Constitution ;

(b) if not, whether any separate examination for the recruitment of the Scheduled Castes and Scheduled Tribes will be conducted ; and

(c) if so, when ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Not to the extent of the full quota reserved for them.

(b) and (c). The Railway Service Commission, Calcutta, has in 1954 held a Selection exclusively for Scheduled Castes and Tribes and advertised for some posts again in February, 1956. The Railway Service Commission, Allahabad and Bombay, have similarly advertised posts exclusively for Scheduled Castes and Tribes. The Railway Service Commission, Madras, propose to do so shortly.

RAILWAY LINE STAFF

***2319. Chaudhuri Muhammed Shaffee :** Will the Minister of **Railways** be pleased to state :

(a) whether it is a fact that no pay has been given to the Railway Line Staff in lieu of 26th January, 1st May, 15th August and 2nd October, declared as paid holidays by Government;

(b) if so, the reasons therefor ; and

(c) the total amount involved ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Line staff employed on Railways are not eligible for the grant of any gazetted holidays, and no additional payment is made to them when they work on a gazetted holiday.

(b) The duties of the staff concerned are connected with the running of trains, booking of passengers etc. and it is not practicable to give them holidays.

(c) The employees number several lakhs. It is not feasible to calculate the amount for each individual employee.

MINOR IRRIGATION SCHEMES

***2320. Shri Shree Narayan Das :** Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 669 on the 8th December, 1955 and state :

(a) whether the Committee appointed by the Central Government to assess the work done so far in different States under minor irrigation schemes and to enquire into the possibilities of its further extension has since finished its work ; and

(b) whether any report has been received ?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa) :

(a) Not yet.

(b) No.

INDIAN CENTRAL JUTE COMMITTEE

***2321. Shri Shivananjappa:** Will the Minister of **Food and Agriculture** be pleased to state :

(a) whether it is a fact that the Indian Central Jute Committee held its plenary session at Calcutta recently ; and

(b) if so, the decisions arrived at regarding the development of jute production in the country ?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Yes.

(b) A statement is placed on the Table of the Lok Sabha. [*See* Appendix XIV, annexure No. 5].

WORLD EUCALYPTUS CONFERENCE

*2322. **Shri Amjad Ali:** Will the Minister of **Food and Agriculture** be pleased to state whether it is proposed to send any representative to F. A. O. sponsored World Eucalyptus Conference which will meet in Rome in October next ?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): The proposal to participate in this Conference is under consideration.

CENTRAL CO-OPERATIVE BANKS

*2324. **Thakur Jugal Kishore Sinha : Shri Asthana:**

Will the Minister of **Food and Agriculture** be pleased to state whether there is any proposal to deofficialise the Central Co-operative Banks by giving opportunities to non-officials to become Chairman of Central Co-operative Banks ?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): Yes. Sir.

CEMENT CONCRETE SLEEPERS

*2325. **Shri B. S. Murthy:** Will the Minister of **Railways** be pleased to state :

(a) whether the expert advice is in favour of cement concrete sleepers to replace the wooden and iron sleepers ; and

(b) the financial gains, if any, to be derived out of the project ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) A small quantity of M. G. Prestressed Concrete Sleepers have been ordered to be manufactured and when ready would be laid on the track purely as an experimental measure.

(b) It is too early to say.

PLANT PROTECTION

*2327. **Shri Ibrahim:** Will the Minister of **Food and Agriculture** be pleased to state the amount spent during 1955-56 by the Government for plant protection work ?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): A statement is laid on the Table of the Lok Sabha. [*See* Appendix XIV, annexure No. 6].

INDO-PAKISTAN RAILWAY TRAFFIC

*2329. **Shri K. P. Tripathi:** Will the Minister of **Railways** be pleased to state the amount per annum that is paid to Pakistan on account of Railway traffic to and from Assam ?

The Deputy Minister of Railways and Transport (Shri Alagesan): On an average, Rs. 7·71 lakhs per month is payable to E. B. Railway (Pakistan) for its share of freight on traffic booked from India to India over E. B. Railway (Pakistan) during the period 1st May, 1955 to 31st March, 1956, which works out to a figure of Rs. 93 lakhs per annum.

MEDICAL INSPECTION IN MINES

*2331. **Shri Bhagwat Jha Azad:** Will the Minister of **Labour** be pleased to state :

(a) whether Government propose to introduce any system of medical inspection in mines in India ; and

(b) whether Government also propose to set up a separate directorate to implement the same ?

The Minister of Labour (Shri Khandubhai Desai): (a) Yes.

(b) Government have decided to set up a medical inspectorate under the Chief Inspector of Mines. An Inspector of Mines (Medical) has already been appointed.

SLUM CLEARANCE

*2337. **Shri D. C. Sharma:** Will the Minister of **Health** be pleased to state:

(a) whether there has been a high power Conference of Central and State Government representatives recently for discussing slum clearance in Delhi; and

(b) if so, the decisions arrived at?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) Yes.

(b) A statement is placed on the Table of the Lok Sabha. [*See* Appendix XIV, annexure No. 7].

COMPENSATION TO AIR COMPANIES

*2339. **Shri Morarka:** Will the Minister of **Communications** be pleased to state:

(a) the amount of compensation that has been paid to the various air companies so far and the amount that is still to be paid; and

(b) the amount paid to the Himalayan Aviation Company and the Mistry Airways?

The Minister of Communications (Shri Jagjivan Ram): (a) I lay a statement on the Table of the Lok Sabha showing the amount of compensation already paid to the *ex*-air companies. The amount of compensation still to be paid is not likely to exceed Rs. 20,000. [*See* Appendix XIV, annexure No. 8].

(b) No compensation was paid to Himalayan Aviation Limited as their liabilities exceeded their assets. Mistry Airways was not taken over by either of the Corporations. The question of payment of compensation in their case did not, therefore, arise.

PAPER INDUSTRY

*2342. **Shri Shree Narayan Das:** Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 2248 on the 27th September, 1955 and state:

(a) whether the research and study regarding drawing up of a scheme for the preparation of pulp for paper industry from jute stick and waste have been finalised by the Technological Research Laboratory of the Indian Central Jute Committee; and

(b) if so, the prospects and economics of this scheme?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Yes. An exploratory scheme for trying out the suitability of jute sticks for paper manufacture has been finalised and will be worked out by the Indian Central Jute Committee.

(b) The prospects and economics of the proposal will be worked out after the results of the exploratory scheme are available.

EARNINGS FROM AIR TRAFFIC

*2347. **Shri K. P. Tripathi:** Will the Minister of **Communications** be pleased to state the freight earned by the Indian Airlines Corporation out of (i) Passenger and (ii) Goods traffic to and from Assam per year?

The Minister of Communications (Shri Jagjivan Ram): The Indian Airlines Corporation earned Rs. 50,43,808 and Rs. 59,42,309 as passenger and freight revenue respectively on routes in the Assam area during the calendar year 1955.

RAILWAY ROLLING STOCK AT PANDU

*2351. **Shri Debendra Nath Sarma:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that old Locomotives, Rolling Stock and Coaches are placed in the Pandu region of North-Eastern Railway; and

(b) if so, the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No. But this region has its share of old stock on the North-Eastern Railway.

(b) Does not arise.

JAUNDICE

*2352. {Shri Kamath: / Shri Bhakt Darshan:}

Will the Minister of **Health** be pleased to refer to the reply given to Unstarred Question No. 1828 on the 7th May, 1956 and state:

(a) whether the information referred to in part (b) of that answer has been collected;

(b) if so, whether it will be laid on the Table of the Sabha; and

(c) why the question of leave to the jaundice-stricken employees was not considered on a special basis?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) The information is being collected.

(b) Yes, in due course.

(c) Leave was admissible to Government Employees under the normal leave rules and it was not considered necessary to grant leave on a special basis.

TRAINING OF CRAFTSMEN

*2353. **Shri Shree Narayan Das:** Will the Minister of **Labour** be pleased to state whether there is a proposal to make training of craftsmen an integral part of the activity of every industrial concern?

The Minister of Labour (Shri Khandubhai Desai): No.

RAILWAY CATERING

*2354. **Shri B. S. Murthy:** Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 1606 on the 20th April 1956 and state:

(a) whether dismissed catering contractors of one Division are given licences in other Divisions;

(b) the number of such contractors employed in Northern Railway since 1st January, 1955; and

(c) the protection given to employees when contractors change?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No.

(b) Does not arise.

(c) The persons concerned not being the employees of Railways, no protection as such can be guaranteed by the Railways. Instructions have, however, been recently issued that the Railways should suggest to the new contractors to take over the employees of the former contractors as far as possible.

RAILWAY LINK TO COLLIERIES IN ASSAM

*2355. **Shri K. P. Tripathi:** Will the Minister of **Railways** be pleased to state:

(a) whether there is any proposal to connect by Railways the different collieries of Assam; and

(b) if so, which are they?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No such proposal has been included in the Second Five Year Plan.

(b) Does not arise.

नई रेल्वे पटरियां

*२३५६. **श्री जांगडे :** क्या रेल्वे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि जुलाई या अगस्त १९५५ में पूर्वी रेलवे के बंटवारे के बाद सरकार ने एक पुस्तिका प्रकाशित करके यह घोषणा की थी कि बिजूरी और बरवाडीह के बीच द्वितीय पंचवर्षीय योजना में नई पटरियां बिछाई जायेंगी;

(ख) क्या १९५३ के पूर्व इस मार्ग पर १ करोड़ ६८ लाख रुपये व्यय किये गये थे;

(ग) यदि हां, तो किये गये कार्यों का ब्यौरा क्या है, और किन-किन स्थानों पर वे कार्य किये गये; और

(घ) उन कार्यों को बन्द करने के क्या कारण थे?

रेलवे तथा परिवहन उप मंत्री (श्री अलगेशन): (क) जी नहीं।

(ख) बरवाडीह-सारनडीह शाखा लाइन बनाने में १.५४ करोड़ रुपये खर्च हुए।

(ग) यह रकम खास तौर पर पुल और मिट्टी के काम और साफी, पारे, बिन्दा, नौका, बारगढ़ और भासमुण्डा में मकान आदि बनाने पर खर्च हुई।

(घ) सरकार की तंग माली-हालत को देखते हुए यह तय किया गया कि इस काम को ऐसे स्टेज पर बन्द कर दिया जाय जिसमें कम से कम नुकसान हो।

ALL INDIA SERVICE OF MEDICAL COLLEGE TEACHERS

2180. Shri Sivamurthi Swami: Will the Minister of **Health** be pleased to refer to the reply given to Starred Question No. 922 on the 16th December, 1955 and state the progress made with regard to the creation of an all India cadre of medical college teachers on the lines of the Indian Administrative Service?

The Deputy Minister of Health (Shrimati Chandrasekhar): The State Governments were consulted on the proposal for the creation of an all India cadre of medical teachers but as the majority of them were opposed to it, it has been decided not to pursue the matter.

जयपुर रेलवे स्टेशन

२१८१. **श्री भीखा भाई** : क्या रेल्वे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को इस बात का पता है कि गत वर्ष में राजस्थान की राजधानी जयपुर में एक स्टेशन बनवाने के लिये धनराशि की व्यवस्था की गयी थी;

(ख) यदि हां, तो इस राशि का उपयोग किन कारणों से नहीं किया गया, और

(ग) क्या यह भी सच है कि उक्त रेलवे स्टेशन पर फ्लश की टटिट्यां और मूत्रालय भी नहीं हैं?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) जी हां।

(ख) पिछले साल जो रकम रखी गयी थी वह खर्च नहीं की गयी क्यों कि निर्माण-योजना अन्तिम रूप से तैयार न थी। इसमें स्थानीय अधिकारियों की प्रार्थना के अनुसार संशोधन करना पड़ा। अब योजना तैयार हो गयी है और उस पर काम शुरू किया जा रहा है।

(ग) जी हां। स्टेशन की जो नयी इमारत बनने को है उसमें फ्लश ढंग के पेशाबघर और टट्टियां बनायी जायेंगी।

MATERNITY AND CHILD WELFARE CENTRES

2182. Shri Deogam: Will the Minister of **Health** be pleased to state the names of places in Bihar where Maternity and Child Welfare Centres have been established or are proposed to be established?

The Deputy Minister of Health (Shrimati Chandrasekhar): Maternity and Child Welfare Centres have been opened with central assistance in the following places in Bihar :—

Name & Location of the Maternity and Child Welfare Centre	District
1. Madhepur	Darbhanga
2. Biraul	Darbhanga
3. Gaunaha	Champaran
4. Chautham	Monghyr
5. Alamnagar	Saharsa
6. Kumergang	Saharsa
7. Bengaon	Saharsa
8. Mahshi	Saharsa
9. Dumka	Santhal Pargana
10. Kharsawan	Singhbhum

ALL INDIA INSTITUTE OF HYGIENE AND PUBLIC HEALTH

2183. Shri Krishnacharya Joshi: Will the Minister of **Health** be pleased to state the number of persons trained in village water supply and sanitation course at the All India Institute of Hygiene and Public Health, Calcutta during 1955?

The Deputy Minister of Health (Shrimati Chandrasekhar): 16 Engineers were trained during 1955 in the Certificate Course in Water Supply and Sanitation at the All India Institute of Hygiene and Public Health, Calcutta. There is no course exclusively for village water supply.

TELEPHONE CONNECTIONS

2184. Shri D. C. Sharma: Will the Minister of **Communications** be pleased to state:

(a) the total number of telephone connections in Delhi; and

(b) the number of applications for connection that are pending?

The Minister of Communications (Shri Jagjivan Ram): (a) On 10-5-56 the number of main telephone connections in Old Delhi was 4,034 and the number of extensions including P.B.X. extensions was 1,897.

(b) There were 615 applications under 'Own Your Telephone' Scheme and 1,780 under "exempted categories."

AIR TRAFFIC

2185. Shri Krishnacharya Joshi: Will the Minister of **Communications** be pleased to state:

(a) whether there was an increase in the Air Traffic both scheduled and non-scheduled during 1955; and

(b) total number of passengers flown by the Indian Air Corporations during latter half of 1955?

The Minister of Communications (Shri Jagjivan Ram): (a) Yes, Sir.

(b) The total number of passengers flown by the Air India International and Indian Airlines Corporation during the period 1-7-1955 to 31-12-1955 was 28,891 and 2,34,942 respectively.

TIMBER

2186. Shri S. C. Samanta: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the total quantity of timber exploited for the manufacture of Railway Sleepers both by Government and non-official agencies separately, from the Andaman and Nicobar Islands since 1951-52;

(b) whether it is not a fact that there are ten kinds of hard wood available in the islands which may be used as sleepers;

(c) if so, whether all these varieties are being exploited for the purpose; and

(d) whether seasoning was necessary to use them as sleepers?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) The information is given below:—

Year	Total quantity of timber extracted			
	By Government		By non-official agency	
	other species tons	Gurjan tons	other species tons	Gurjan tons
1951—52	42,059	15,933	9,980	4,557
1952—53	36,420	13,066	...	...
1953—54	36,671	11,074	10,043	5,712
1954—55	47,291	18,916	14,105	9,386

(b) It is reported that there are 23 species which may be used as sleepers.

(c) Only one specie, *viz.*, Gurjan, is exploited for use as sleepers because there is very little demand for this specie as sawn timber other than for use as sleepers. The other species which are not available in such abundance have a high market value for other purposes and it is not considered financially justifiable to use these for sleepers.

(d) Seasoning is necessary but arrangements for scientific seasoning have not yet been provided in the Andamans. At present the timber is stored for a period of 3 months after conversion as sleepers before despatch.

BOMBAY CENTRAL STATION

2187. Sardar A. S. Saigal: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that the Retiring Rooms at Bombay Central are mostly occupied by Railway officials due to shortage of housing accommodation and the public are deprived of this facility;

(b) whether the lift at Bombay Central Retiring Rooms for going downstairs is not available to the public; and

(c) if so, why?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No. Out of a total of 11 Rooms, 6 are available for use by the public as notified in Railway's Time Table and Guide and the balance 5 have been earmarked for departmental use (1 as Matron's Room, 2 intended for use as Officers' Rest Rooms and only 2 earmarked for use by Railway officers as residential accommodation due to shortage of houses).

(b) The lift is not normally available to the public for going down. In other words, the lift cannot be called up for going down. However, if the lift happens to be on the top floor, public are permitted to use the same for going down.

(c) As there is only one lift, there is a heavy demand for the same during the peak periods. Its use has, therefore, been restricted to taking the public from the ground floor to the upper floors, subject to remarks given in reply to part (b) of the Question.

ARTIFICIAL RAIN

2188. Shri S. C. Samanta: Will the Minister of **Communications** be pleased to state:

(a) how far the Meteorological Department of the Ministry has helped uptil now the Council of Scientific and Industrial Research of the Central Government and the State Governments in rain-making experiments;

(b) the number of State Governments who have asked for help in experimentation;

(c) whether hydrogen was supplied to any State Government; and

(d) whether any of the experimentations proved successful?

The Minister of Communications (Shri Jagjivan Ram): (a) The Rain and Cloud Physics Research Unit of the Council of Scientific and Industrial Research have not so far undertaken any field experiments in rain-making and therefore the question of rendering any help to the Unit by the India Meteorological Department in rain-making experiments as such has not arisen. However, the Department has been extending full co-operation to the Unit by placing at its disposal such laboratory and workshop facilities as may be needed, by giving it accomodation for its work at the Meteorological Office, by making available all climatological and meteorological information and by permitting the use of the Department's Radar equipment. As regards State Governments, technical advice and meteorological data were supplied on request. An officer of the Department has been permitted to serve on a Committee set up by the Government of Madras for reviewing the results of rain-making experiments.

(b) Two, *viz.*, Madhya Pradesh and Madras.

(c) No.

(d) The results of the experiments conducted so far can at best be described as inconclusive although certain results have been claimed in some cases.

UNIFORMS FOR P. & T. STAFF

2189. Chaudhuri Muhammed Shaffee: Will the Minister of **Communications** be pleased to state:

(a) the number of circles of P. and T. Department in which the warm uni-

form was not supplied, since 1952 in India, year-wise and circle-wise;

(b) the causes thereof;

(c) the action taken against the officials responsible for it; and

(d) whether Government propose to supply uniforms of class IV now?

The Minister of Communications (Shri Jagjivan Ram): (a) One set of warm uniform every two years as prescribed by the Departmental Rules has been supplied since 1952 to all the staff entitled to supply of uniforms at places where the average of the daily minimum temperature prevailing during the coldest month of the year is 53° F. or below.

(b) Does not arise.

(c) Does not arise.

(d) Does not arise.

DALMIA DADRI STATION

2190. Shri Ram Krishan: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that the original name of the Railway station of Dalmia Dadri was Charkhi Dadri; and

(b) if so, the date of change and the reasons thereof?

The Deputy Minister of Railways and Transport (Shri Alagesan) (a) Yes.

(b) The change in the name of Charkhi Dadri railway station to Dalmia Dadri was made with effect from 1-10-38.

The change was made by the *ex*-B. B. & C. I. Railways at the request of the Political Secretary, Jind State.

MALARIA RESEARCH INSTITUTE

2191. Shri Shivananjappa: Will the Minister of **Health** be pleased to state:

(a) whether a Malaria Research Institute aided by the Ford Foundation is located at Mandya in Mysore State;

(b) the special type of its activities; and

(c) the progress achieved by it?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) There is no Malaria Research Institute in Mysore State aided by the Rockfeller Foundation. There is, however, a Malaria Investigation and Training Centre at Mandya in Mysore State, which was established in April, 1952, and which was assisted by the Rockfeller Foundation in the shape of certain equipment to the extent of $ 5,570.

(b) The activities of the Training Centre include the following in addition to the training of Public Health Personnel in modern methods of Malaria Control at the lowest feasible cost:—

(i) To map out the anopheline fauna;

(ii) to study the binomics of the carrier species of mosquitoes;

(iii) to study the effect of lime wash on residual insecticides; and

(iv) to survey the economic aspect of malaria control, etc.

(c) The Centre has published ten scientific papers within the past three years and have trained the following personnel:—

1. Medical Officers of Health	24
2. Assistant Medical Officers of Health	61
3. Senior Health Inspectors	80
4. Junior Health Inspectors	136
5. Junior Entomologists	3
6. Health Assistant	1

U.N.I.C.E.F.

2192. Shri Gadilingana Gowd: Will the Minister of **Health** be pleased to state the total amount of assistance the U.N.I.C.E.F. has sanctioned to the Government of India since 1952?

The Deputy Minister of Health (Shrimati Chandrasekhar): Since 1952, UNICEF allocations to India are as follows:—

1952	$ 2,542,600
1953	$ 2,711,500
1954	$ 2,681,000
1955	$ 1,110,409
1956 (upto March)	$ 1,514,000
TOTAL ...	$ 10,559,509

उत्तर प्रदेश में डाक और तार विभाग के भवन

२१६३. **श्री भक्त दर्शन** : क्या संचार मंत्री स्वतंत्रता प्राप्ति के समय (अर्थात् १५ अगस्त, १९४७) उत्तर प्रदेश सरकिल में डाक और तार विभाग के भवनों को बताने वाला एक विवरण लोक-सभा के टेबल परि रखने और यह बताने की कृपा करेंगे कि:

(क) तब से ३१ मार्च, १९५६ तक प्रत्येक वित्तीय वर्ष में कितने नये भवनों का निर्माण किया गया ;

(ख) वित्तीय वर्ष १९५५-५६ में बनाये गये भवनों का ब्योरा क्या है ?

(ग) वर्ष १९५६-५७ में भवनों के बनवाने का क्या कार्यक्रम है; और

(घ) उनमें से प्रत्येक पर लगभग कितना व्यय होगा ?

संचार मंत्री (श्री जगजीवन राम) : १५ अगस्त, १९४७ को इस विभाग के २४५ भवन थे और प्रत्येक शाखा के भवनों का बटवारा इस प्रकार था :—

डाक-सम्बन्धी	२१५
रेल-मेल-व्यवस्था .	३
तार .	१३
टेलीफ़ोन . . .	१४

(क) एक बयान सभा पटल पर रख दिया गया है । [देखिये परिशिष्ट १४, अनुबन्ध संख्या ९]

(ख) एक बयान सभा पटल पर रख दिया गया है [देखिये परिशिष्ट १४, अनुबन्ध संख्या ९]

(ग) तथा (घ) एक विवरण सभा-पटल पर रखा जाता है जिस में वह निर्माण-कार्य दिखाये हैं जो या तो पहले ही प्रारम्भ किये जा चुके हैं या १९५६-५७ में इनके प्रारम्भ करने का प्रस्ताव है [देखिये परिशिष्ट १४, अनुबन्ध संख्या ९] । प्रस्तावित कार्यों के सम्बन्ध में उनका निर्माण उनकी विस्तृत जांच के फलस्वरूप उनके उचित पाये जाने पर निर्भर है ।

GOITRE

2194. { **Thakur Jugal Kishore Sinha :** **Shri Asthana :**

Will the Minister of **Health** be pleased to state :

(a) whether it is a fact that in the village Sisaula in P. S. Majorganj, District Muzzafarpur, Bihar the boys and girls have developed Goitre type of disease on account of the use of the tube-well water supplied under National Water Supply Scheme ; and

(b) if so, the steps that are being taken to ascertain the truth of this statement and to check the disease ?

The Deputy Minister of Health (Shrimati Chandrasekhar) : (a) The Government of India understand that some boys and girls in the village Sisaula have developed Goitre but it is not known whether the disease is due to the drinking of tube-well water, a sample of which was tested and found to be satisfactory.

(b) The Nutrition Officer, Bihar is carrying out investigations in order to ascertain the reasons. Arrangements for the treatment and control of the disease are being made. Potassium iodide tablets are being distributed in the area for checking the disease.

DEHRA DUN EXPRESS

2195. Sardar A. S. Saigal : Will the Minister of **Railways** be pleased to state :

(a) whether Government are aware that Upper Class passengers experience great difficulty and hardship while travelling by Dehra Dun Express from Bombay to Agra as they have to change at Bayana at night and that there is no through Upper Class Coach provided on Dehra Dun Express ; and

(b) if so, what steps Government propose to take in the matter ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). There is no traffic Justification for

the running of a through composite coach providing upper class accommodation between Bombay Central and Agra Fort.

UDAIPUR AND AJMER RAILWAY TRAINING SCHOOLS

2196. Sardar A. S. Saigal: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that numerous complaints have been received against catering contractors at Udaipur and Ajmer Training Schools;

(b) the reasons for not introducing departmental catering in the above two establishments; and

(c) whether there is any proposal to give the contracts to any society?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Some complaints have been reecived.

(b) and (c). Pending a decision on the question of introduction of Departmental catering fresh tenders are being invited. There is, however, no proposal to give the contract to any society.

INTERNATIONAL FARM YOUTH EXCHANGE PROGRAMME

2197. Shri Boovaraghasamy: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the number of Indian farmer girls who have been sent abroad recently to learn home economics in the U.S.A. under the International Farm Youth Exchange Programme sponsored by the 4-H club and Ford Foundation;

(b) who is to bear this expenditure:

(c) the total amount of money proposed to be spent for this purpose by Government; and

(d) the nature of this training in detail?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) 14 farm girls selected from 12 States have been sent to the U.S.A. in April, 1956 under the International Farm Youth Exchange Programme sponsored by the National 4-H Club Foundation.

(b) and (c). The Government of India do not contribute anything to finance this programme. The entire expenditure is borne by the 4-H Clubs, Home Demonstration Clubs, Farm Organisations, business firms and other groups and individuals in the U.S.A.

(d) The girls are required to live and work with the selected American farm families and have to study and participate in the Extension Home Science Programme as it relates to daily life of the rural women and youths in the U.S.A. observing and working with the local county Extension Agent in all aspects of their programme. The trainees receive training in farm work and Home Science Extension Projects like food preservation, nutrition, child-care, poultry keeping, handicrafts, etc.

MEDICINAL PLANTS

2198. Shri B. S. Murthy: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether medicinal plants are being brought from Indonesia;

(b) if so, the names of the important plants among them; and

(c) the place or places where they would be planted?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) to (c). Information is being collected and will be laid on the Table of the Lok Sabha when received.

AYURVEDIC SYSTEM

2199. Shri Ibrahim: Will the Minister of **Health** be pleased to state:

(a) the names of institutions for imparting training in the Ayurvedic system of medicine subsidised by Central Government; and

(b) the amount of grant given to them in the year 1955-56?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) and (b). The names of institutions imparting training in the Ayurvedic system of medicine and the amounts of grants paid to them by the Central Government during 1955-56 are given below :

	Name of institution	Amount of grant in-aid sanctioned during 1955-56
1.	Government College of Indigenous Medicine, Madras.	Rs. 4,500/—
2.	Ayurvedic College, Gauhati.	Rs. 5,400/—
3.	Ayurveda Mahavidyalaya, Poona.	Rs. 1,000/—
4.	Gopabandhu Ayurveda Vidyapitha, Puri.	Rs. 14,200/—
5.	Ayurvedic College, Banaras Hindu University.	Rs. 1,00,000/—
6.	Jhansi Ayurvedic University, Jhansi.	Rs. 15,000/—
7.	Post-Graduate Training Centre in Ayurveda, Jamnagar.	Rs. 50,000/—

Village Post Offices (Mysore State)

2200. Shri Madiah Gowda: Will the Minister of **Communications** be pleased to state :

(a) the number of villages or groups of villages in Mysore State with a population of more than 2000 which are without a post office ; and

(b) whether any steps have been taken to give postal facilities to such villages ?

The Minister of Communications (Shri Jagjivan Ram): (a) There are no villages with a population of 2,000 or more in Mysore State which have not been provided with post offices. Post Offices have also been opened at all places on the basis of grouping of villages within 2 miles in accordance with the policy laid down in the First Five Year Plan, namely in groups of villages with the population of 2,000 within a radius of 2 miles where the loss on the office was not more than Rs. 750 and where an existing post office was not within 3 miles.

(b) As further groups can be formed with a population of 2,000 within a radius of 4 miles it is hoped to open other offices in the sparsely populated areas of Mysore.

Coaches from Lucknow to Amingaon

2201. Shri K. P. Tripathi : Will the Minister of **Railways** be pleased to state whether it is proposed to introduce the running of through coaches from Lucknow to Amingaon ?

The Deputy Minister of Railways and Transport (Shri Alagesan): No. However, a composite First, Second and Third class coach is already running between Kanpur, Anwarganj and Amingaon, which *inter alia*, also serves the Lucknow-Amingaon section.

Locomotives

2202. Shri K. P. Tripathi : Will the Minister of **Railways** be pleased to state the number of new locomotives that have been placed in the South Bank of the Brahmaputra within the last 5 years ?

The Deputy Minister of Railways and Transport (Shri Alagesan): 4 new garratt locomotives were allotted to the South Bank of the Brahmaputra during last 5 years.

Railway Rolling Stock

2203. Shri K. P. Tripathi : Will the Minister of **Railways** be pleased to state :

(a) the period prescribed for normal periodical overhaul of locomotives and coaches in Assam section of the Railways ;

(b) how does it compare with periods prescribed in other railway zones ;

(c) whether the period in Assam Section has been further extended ;

(d) if so, by how much ; and

(e) the places where these rolling stocks are overhauled ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). There is no fixed period between successive periodical overhaul repairs. It depends upon the mileage done by passenger and goods locomotives of different classes, the condition of stock and the availability of workshop capacity. Below is given the average mileage and the corresponding

P.O.H. periods for locomotives and coaches :—

Locomotives :

Passenger	...	120,000 miles
Goods	...	100,000 miles

These mileages are generally obtained in three to four years.

Shunting locomotives are repaired once in four years.

The periodical overhaul period for coaching stock varies from 9 to 24 months according to the importance of the rakes and the types and condition of coaches.

(c) The following P.O.H. periods are obtained at present on the North-Eastern Railway which serves Assam :—

Locos	48 months
Passenger coaches	24 months
Other coaches	28 months

(d) There has been no extension in the periodical overhaul period.

(e) Locomotives and coaches from Assam Region are given periodical overhaul at the following workshops:

Locos : 1. Dibrugarh, 2. Gorakhpur, 3. Kanchrapara on Eastern Railway.

Coaches : 1. Dibrugarh, 2. Bongaigaon, 3. Samastipur.

RAILWAY WORKSHOP AT BONGAIGAON

2204 { **Shri K. P. Tripathi :** / **Shri Debendra Nath Sarma :**

Will the Minister of **Railways** be pleased to state :

(a) whether the construction of the Railway workshop at Bongaigaon has started ; and

(b) if so, when it will be completed?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) No.

(b) Does not arise.

FREIGHT RATES FOR COMMODITIES

2205. Shri K. P. Tripathi : Will the Minister of **Railways** be pleased to state :

(a) what has been the increase in freight rates for the following commodities from Calcutta to Assam :

(i) Sugar, (ii) Salt, (iii) Cement, (iv) Iron and Steel, (v) Hides and Skins, (vi) Potatoes, (vii) Jute, (viii) Tea, (ix) Timber, (x) Cloth, (xi) Grains (xii) Machinery; and

(b) how the same compares to that of with equal distance in the rest of India ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) and (b). There has been no increase recently in the freight rates for the commodities in question from Calcutta to Assam.

From 1-4-55 certain adjustments were made in the bases of telescopic class rates which applied uniformly over all regions. A statement giving freight rates for the commodities in question from Calcutta to Gauhati (Assam) prior to and from 1-4-55, as also the rates for equal mileage is placed on the Table of the House. [*See* Appendix XIV, annexure No. 10].

Also from 1-4-56 a supplimentary charge of one anna in the rupee is levied on all freight traffic with certain exceptions and is similarly applicable over all regions.

नलकूप

२२०६. **श्री पी० एल० डाब्पाल :** क्या **खाद्य और कृषि** मंत्री यह बताने की कृपा करेंगे कि :

(क) छोटी सिंचाई योजना के अंतर्गत भारत सरकार राजस्थान में कितने नलकूप बनवाना चाहती है और उन पर १९५६-५७ में कितनी राशि खर्च की जायेगी ;

(ख) उक्त राशि में से कितनी राशि बीकानेर डिवीजन में खर्च की जायेगी ;

(ग) उस राशि से कितने नलकूप बनवाये जायेंगे; और

(घ) बीकानेर डिवीजन के उन क्षेत्रों के लोगों को जहां पानी खारा है, मीठा पानी देने की व्यवस्था करने के लिये सरकार ने क्या योजना तैयार की है ?

खाद्य और कृषि उपमंत्री (श्री एम० वी० कृष्णाप्पा) : (क) राजस्थान की द्वितीय पंचवर्षीय योजना के प्रारूप में इस राज्य में ३५ लाख रुपयों के अनुमानित व्यय से ५० सिंचाई संबंधी नलकूप बनाने की व्यवस्था

की गई है । इन नलकूपों के बनाने की व्यवस्था राज्य सरकार को करनी होगी ।

इन ५० नलकूपों का निर्माण भारत सरकार द्वारा राजस्थान के लिये बनाये हुए गवेषणात्मक (Exploratory) नलकूपों के कार्यक्रम के नतीजे पर निर्भर है । यह कार्यक्रम १९५६ के अन्त से पहले शुरू करने की उम्मीद नहीं है । इस लिये १९५६-५७ की अवधि में इन पर कुछ व्यय करने की संभावना नहीं दीखती ।

(ख) तथा (ग). ये सवाल ही नहीं उठते ।

(घ) जहां तक सिंचाई के लिये आवश्यक जल का संबंध है ऐसी कोई भी योजना नहीं बनायी गयी है ।

Fruit Preservation

2208. Shri H. G. Vaishnav: Will the Minister of **Food and Agriculture** be pleased to state :

(a) the total number of factories in the country manufacturing fruit products and preserves ;

(b) the total capacity of their production ; and

(c) the quantity exported to other countries ?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) The total number of fruit products factories in the country is 654 out of which 74 are preserves factories.

(b) The total capacity of their production is not known. Total production by the licensed manufactures in 1954 was about 11,542 tons.

(c) It is estimated that 1,000 tons of fruit products are exported every year.

Refresher Courses for Farmers

2209. Shri Krishnacharya Joshi: Will the Minister of **Food and Agriculture** be pleased to state :

(a) the total amount sanctioned to State Governments during the year 1955-56 for conducting refresher courses for the benefit of farmers' sons; and

(b) the names of States where refresher courses have been started ?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) A sum of Rs. 24,942 was sanctioned by the Indian Council of Agricultural Research for conducting refresher courses for the benefit of sons of farmers during 1955-56.

(b) Refresher Courses in Agriculture for young farmers have so far been conducted in nine States *viz.*

(1) Manipur, (2) aMdhya Pradesh, (3) Jammu and Kashmir, (4) Madras, (5) Andhra, (6) Vindhya Pradesh, (7) Assam, (8) Bihar and (9) Hyderabad.

Sugarcane Price Expert Committee

2210. Shri Krishnacharya Joshi: Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 873 on the 22nd March, 1956 and state :

(a) whether the Expert Committee set up to reexamine the formula for linking the price of cane with the price of sugar has since submitted its report ; and

(b) if so, the main recommendations thereof ?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Not yet. The report is expected in about 3 weeks.

(b) Does not arise at present.

Home Science Training

2211. Shri Krishnacharya Joshi: Will the Minister of **Food and Agriculture** be pleased to state :

(a) the number of women village level workers trained so far ; and

(b) the number of Home Science Training Centres proposed to be started during the year 1956-57 and their location ?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Nil.

(b) Four Home Science Training Centres are proposed to be started during 1956-57. Two of them will be located at Manjri and Nizampur in Bombay State and the remaining two in U. P. at Dohai and Sarojaninagar.

RAYAGADA RAILWAY STATION

2212. Shri Sanganna: Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 1082 on the 21st December, 1955 in respect of the electrification of Rayagada Railway Station and state :

(a) whether final decision has been taken in the matter ; and

(b) if so, what it is ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Yes, Sir. It has been decided to take high tension bulk supply from the Machkund Project for electrification of Rayagada Railway Station. The tariff rate is under negotiation with the power supply authorities and the work is programmed for execution in 1956-57.

RAILWAY EMPLOYEES

2213. Shri Sanganna: Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 1110 on the 21st December, 1955 in respect of the Railway employees and state :

(a) whether there is a proposal to upgrade certain stations and posts on the South-Eastern Railway Zone ;

(b) if so, the result thereof ? and

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir. There is a proposal to upgrade 7 posts of station masters on the South-Eastern Railway from the grade Rs. 100-185 to Rs. 150-225.

(b) It is under examination

रेलवे स्टेशनों पर बांस की बनी चीजों का विक्रय

२२१४. **श्रीमती अनुसयाबाई बोरकर :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) रेलवे स्टेशनों पर बांस की बनी हुई चीजों के बेचने के आज्ञा न देने का क्या कारण है, जब कि सरकार कुटीर उद्योगों को प्रोत्साहन देना चाहती है; और

(ख) गत वर्ष में इटारसी रेलवे स्टेशन पर बांस की बनी हुई चीजों को बेचने के लिये कितने व्यक्तियों को गिरफ्तार किया गया और उनको कितनी राशि जुरमाना के रूप में देनी पड़ी ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) स्टेशन के अन्दर बांस के बने हुए सामान बेचने के लिये फेरीवालों को लायसेंस देना यात्रियों के लिए जरूरी सुविधा नहीं समझा जाता । इसके अलावा इस तरह के सामान बेचने वालों को बड़ी तादाद में स्टेशन पर आने देने से प्लेटफार्म पर बेकार की भीड़ बढ़ सकती है जिससे यात्रियों को असुविधा और परेशानी होगी ।

(ख) पिछले माली साल में बिना टिकट सिर्फ एक फेरीवाले पर भारतीय रेलवे अधिनियम १८९० की धारा ४७(२) के अनुसार मुकदमा चलाया गया और उस पर एक रुपया जुर्माना हुआ ।

MANGOES

2215. Shri B. S. Murthy: Will the Minister of **Food and Agriculture** be pleased to state the amount given to Andhra State Government in the form of grant or aid for improving variety of mangoes ?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): No financial assistance has been given by the Indian Council of Agricultural Research to the Andhra State Government for improving varieties of mangoes as no research scheme on the subject has been received from the State Government.

KRISHNA ROAD REGULATOR

2216. Shri B. S. Murthy: Will the Minister of **Transport** be pleased to state:

(a) the progress of work at Krishna Road Regulator till 30th April, 1956;

(b) whether the work is proceeding on either side; and

(c) whether there is any change in the expenditure during 1955?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The overall progress of the bridge part of the structure upto the end of April 1956 was 30%.

(b) The work is proceeding on both sides.

(c) Yes, Sir. No expenditure was incurred upto the end of December 1954. The expenditure upto the end of December 1955 was Rs. 16·88 lakhs.

MALARIA

2217. Shri B. S. Murthy: Will the Minister of **Health** be pleased to state:

(a) whether Andhra State has approached the Cenral Government for aid and grant for fighting malaria in the State;

(b) if so, the amount that has been sanctioned during 1954-55 and 1955-56; and

(c) the technical assistance, given in this connection?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) Yes.

(b) Grants-in-aid by way of supplies and equipment amounting to Rs. 4,26,630 and Rs. 4,23,888 were given during the years 1954-55 and 1955-56 respectively.

(c) 3 Medical Officers and 2 Malaria Inspectors were trained at the Malaria Institute of India.

ANTI-SNAKE VENOM SERUM

2218. Shri B. S. Murthy: Will the Minister of **Health** be pleased to refer to the reply given to Starred Question No. 1893 on the 2nd May, 1956 and state:

(a) the names of the countries to which anti-snake venom serum has been exported during the year 1955;

(b) the total cost of the same; and

(c) whether the demand for this year is on the increase?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) Anti-snake venom serum was exported during the year 1955 to Burma, Ceylon, Iran, Malaya, Nigeria, Nepal, Saudi Arabia, Thailand and the U.S.A.

(b) Anti-snake venom serum worth Rs. 60,651-12-0 was exported during the period from 1st April, 1955 to 31st March, 1956.

(c) No.

रेलवे कर्मचारी

२२१९. **श्री जांगडे :** क्या **रेलवे** मंत्री यह बताने की कृपा करेंगे कि :

(क) वर्ष १९५३, १९५४ और १९५५ में विभिन्न रेलवे कार्यालयों और बिलासपुर रेलवे कोलोनी के छोटे वकशापों में चतुर्थ श्रेणी की सेवाओं में कितने आदमियों को नियुक्त किया गया; और

(ख) अनुसूचित जाति के कितने व्यक्तियों को नियुक्त किया गया ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): सूचना मगायी जा रही है और सभा-पटल पर रख दी जायेगी ।

यात्रियोंको सुविधायें

२२२०. **श्री जांगडे :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि १९५२ से १९५६ तक गाड़ियों की रफ्तार बढ़ाने, मेले के दिनों में यात्रियों की भीड़ के लिये पर्याप्त व्यवस्था करने और दक्षिण-पूर्वी रेलवे के रायपुर और धौतरी ब्रांच लाइन स्टेशनों पर यात्रियों की सुविधाओं के बढ़ाने के लिये सरकार ने क्या ठोस कार्यवाही की है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): किसी लाइन पर गाड़ी की रफ्तार नियत करते समय इस बात का ध्यान रखा जाता है कि उस लाइन पर गाड़ी अधिक से अधिक कितनी

रफ्तार से चलायी जा सकती है। साथही इस बात का भी ध्यान रखा जाता है कि पटरियां कितनी मजबूत हैं और रेल-पथ किस हालत में है। गाड़िया नियत की गयी अपनी पूरी रफ्तार के हिसाब से भेजी जाती हैं, लेकिन चूंकि बहुत से इंजनों में स्पीडोमीटर नहीं होता, इसलिय लाइन की रफ्तार का पता लगाने में ड्राइवर से हो वाली गलती की गुंजाइश के साथ-साथ इन बातों पर भी ध्यान दिया जाता है कि गाड़ी में कितने डिब्बे जुड़े हैं और इंजन कस ढंग का है। इसके अलावा यह भी दखा जाता है कि रेलव लाइन की मरम्मत के कारण कितना अधिक समय लगगा। रायपुर-धमतरी और रायपुर-राजीम सेक्शनों पर गाड़ियों की अधिक से अधिक रफ्तार प्रति घटा १५ मील है।

मेले के दिनों में यात्रियों की भीड़ को हटाने के लिये अतिरिक्त गाड़ियां भी चलायी जाती हैं।

इन शाखा लाइनों पर यात्रियों को जो सुविधायें दी गयी हैं उनक बार में सचना मंगायी जा रही है और सभा-पटल पर रख दी जायगी।

चाम्पा-कोरबा रेलवे लाईन

२२२१. **श्री जांगडे :** क्या रेलवे मंत्री यह बताने की कृपा करगे कि :

(क) चाम्पा-कोरबा लाइन पर सवारी गाड़ियां कब चालू की जायेंगी;

(ख) क्या यह गाड़ियां बिलासपुर से कोरबा तक जायेंगी; और

(ग) चाम्पा-कोरबा रेलवे लाइन के बनान में विलम्ब होने के क्या कारण हैं ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) ज्योंही डाक और तार विभाग द्वारा तार लगा दिये जायेंगे, इस सेक्शन पर एक मिली-जुली गाड़ी चलायी जायेगी।

(ख) जी नहीं, ये गाड़ियां चाम्पा और कोरबा के बीच चलेंगी।

(ग) पुल के गर्डर देर से मिले, इसलिये यह लाइन नवम्बर, १९५५ म यातायात क लिये खोली न जा सकी जैसा कि पहल निर्धारित किया गया था। लाईन अप्रैल, १९५६ में बन कर तैयार हो गयी और २८-४-५६ से माल गाड़ियों के चलने के लिये इसे उपयुक्त घोषित कया गया।

RAILWAY TRAINING SCHOOL, AJMER

2222. Shri Bheekha Bhai : Will the Minister of **Railways** be pleased to state :

(a) whether it is a fact that a training School is being run in Ajmer for the training of apprentices ;

(b) the number of Scheduled Caste and Scheduled Tribe apprentices among them ; and

(c) if none, the reasons why Scheduled Tribe apprentices have not been chosen for training ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir.

(b) Scheduled Castes — 9.
Scheduled Tribes — 2

(c) Does not arise.

RAILWAY COLONIES AT MHOW AND NEEMUCH

2223. Shri Bheekha Bhai : Will the Minister of **Railways** be pleased to state :

(a) whether it is a fact that Railway Colonies at Mhow and Neemuch have not been provided with electricity facilities ;

(b) if so, whether it is a fact that in Mhow and Neemuch railway officers have electrified bungalows ; and

(c) the reasons for this difference ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir.

(b) Only District Officers' bungalows at Mhow are electrified and this was done in 1927. No officer's bungalow at Neemuch has been electrified.

(c) There has been no discrimination. The Electric Supply Co. was unable to supply additional power required for the electrification of staff quarters upto now. Some power has just been made available and electrification of certain staff quarters is programmed in 1956-57 and 1957-58.

Minor Irrigation Schemes in Bihar

2224. Shri Deogam : Will the Minister of **Food and Agriculture** be pleased to state :

(a) the number of minor irrigation schemes completed and the amount spent on them by the Bihar Government during 1954-55 and 1955-56 ;

(b) whether it was brought to the notice of Government that most of the irrigation schemes in Chotanagpur were totally unsuccessful ;

(c) the number of those that were condemned and will not be taken up again ; and

(d) the amount spent on these condemned schemes ?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa) :

(a)

Year	No. of schemes Completed	Amount spent (Rs. in lakhs)
1954-55	4027	83·07
1955-56	4572	92·97

(b) No, Sir.

(c) and (d) Do not arise.

Locomotives

2225. Pandit Lingaraj Misra : Will the Minister of **Railways** be pleased to state :

(a) what is the number of locomotives actually in operation in the Rupsa-Baripada-Banjriposi narrow gauge section of the South-Eastern Railway ;

(b) whether it is a fact that these locomotives being extremely old have to be sent frequently for repairs to workshops and this causes great dislocation of traffic in that line to the inconvenience to passengers and traders ; and

(c) whether there is any proposal to replace these unserviceable locomotives by new ones in the near future ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) and (b). 4 N.G. Locomotives are working on Rupsa-Baripada-Banjriposi section of the South-Eastern Railway. Of these, two are over 50 years old. At least three locomotives are required to be in service to meet traffic requirements. On occasions when more than one locomotive is held up for repairs, difficulty is experienced in meeting the needs of traffic.

(c) Due to the present condition of the track on this section, it is not possible to use other types of Narrow Gauge locomotives here. Their replacement, if necessary, will however be considered when the decision regarding the conversion of the narrow gauge lines into adjoining gauges is finalised.

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(Part II—Proceedings other than Questions and Answers)

LOK SABHA SECRETARIA
NEW DELHI

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GIPN—S4—147 Lok Sabha—26-3-57—840

LOK SABHA

Friday, 18th May, 1956

The Lok Sabha met at Half Past Ten of the Clock

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See* Part I)

11-40 A.M.

PAPER LAID ON THE TABLE

TRIPURA FOODGRAINS (MOVEMENT) CONTROL ORDER

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): Sir, I beg to lay on the Table, under sub-section (6) of section 3 of the Essential Commodities Act, 1955, a copy of the Tripura Foodgrains (Movement) Control Order, 1956, published in the Ministry of Food and Agriculture Notification No. S.R.O. 1018, dated the 2nd May, 1956 [*Placed in Library. See* No. S—182—/56].

MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following three messages received from the Secretary of Rajya Sabha:

(1) "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Travancore-Cochin Appropriation Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 14th May, 1956, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

(2) "I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on Monday, the 14th May, 1956 adopted the following motion concurring in the recommendation of the Lok Sabha that the Rajya Sabha do agree to nominate seven members from the Rajya Sabha to the Public Accounts Committee for the year 1956-57:

'That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do agree to nominate seven members from the Rajya Sabha to associate with the Public Accounts Committee of the Lok Sabha for the year 1956-57 and do proceed to elect, in such manner as the Chairman may direct, seven members from among themselves to serve on the said Committee'.

2. I am further to inform the Lok Sabha that at the sitting of the Rajya Sabha held on Thursday, the 17th May, 1956, the Chairman declared the following Members of the Rajya Sabha to be duly elected to the said Committee:

1. Shri G. Ranga
2. Shri R. M. Deshmukh
3. Shrimati Pushpalata Das.
4. Shri Shyam Dhar Misra
5. Shri P. T. Leuva
6. Shri B. C. Ghose
7. Shri J. V. K. Vallabharao."

(3) "In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Industrial Disputes (Amendment) Bill, 1956, which has been passed by the Rajya Sabha at its sitting held on the 10th May, 1956."

INDUSTRIAL DISPUTES (AMENDMENT) BILL

Secretary: Sir, I lay the Industrial Disputes (Amendment) Bill, 1956, as passed by the Rajya Sabha on the 10th May, 1956 on the Table of the House.

ESTIMATES COMMITTEE

TWENTY-SEVENTH REPORT

श्री बी० जी० मेहता (ग़ोहिलवाड) : अध्यक्ष महोदय, में उत्पादन मंत्रालय के सम्बन्ध में एस्टीमेटस (प्राक्कलन) समिति की सत्ताइसवी रिपोर्ट को पेश करता हुं ।

INDIAN INSTITUTE OF TECHNOLOGY (KHARAGPUR) *BILL

The Deputy Minister of Education (Dr. M. M. Das) : Sir, on behalf of the Minister of Education, I beg to move for leave to introduce a Bill to declare the institution known as the Indian Institute of Technology, Kharagpur, to be an institution of national importance and to provide for its incorporation and matters connected therewith.

Shri Kamath (Hoshangabad) : May I know if there is any truth in certain Press reoprts that have been circulating for some time that the Minister, Maulana Abul Kalam Azad is too ill to attend Parliament?

Mr. Speaker : I have no knowledge; the work is going on, all the same.

The question is :

"That leave be granted to introduce a Bill to declare the institution known as the Indian Institute of Technology, Kharagpur, to be an institution of national importance and to provide for its incorporation and matters connected therewith."

The motion was adopted.

Dr. M. M. Das : I introduce the Bill.

TRAVANCORE-COCHIN STATE LEGISLATURE (DELEGATION OF POWERS) BILL*

The Minister in the Ministry of Home Affairs (Shri Datar) : Sir, I beg to move for leave to introduce a Bill to confer on the President the power of the Legislature of the State of Travancore-Cochin to make laws.

Mr. Speaker : Motion moved :

"That leave be granted to introduce a Bill to confer on the President the power of the Legislature of the State of Travancore-Cochin to make laws."

Shri Punnoose (Alleppey) : The power to legislate for Travancore-Cochin is now with this House and this Bill seeks to hand it over to the President. No special circumstances have been shown here for this particular act. The only thing shown.....

Mr. Speaker : The hon. Member should understand the procedure. If the hon. Member wants to oppose the introduction of this Bill, he should say so.

Shri Punnoose : I want a clarification from the hon. Minister. The only statement is that Parliament might not have time. Secondly, the Bill seeks to hand over the power *in toto*—not for any specific law or for a specific time—and I think this House cannot delegate its power in that way because it is very extraordinary and we are responsible for the people of that State.

Shri Kamath (Hoshangabad) : I have some fundamental objection.

Mr. Speaker : Let us proceed in accordance with the Rules of Procedure. At the introduction stage, if any hon. Member wants to oppose on the ground that the Bill is illegal, I will hear hon. Members. But, if it is on the ground that it is a matter of policy or otherwise, then the hon. Member must only state one or two points as to why he opposes it; then I will ask the Minister to say what he has to say and then put the question straight to the vote of the House. That is the rule. But, whatever is stated in the Statement of Objects and Reasons is there. The hon. Members may be satisfied or may not be satisfied.

Shri T. B. Vittal Rao (Khammam) : Very unsatisfactory.

Mr. Speaker : I will now call upon the hon. Minister.

Shri T. B. Vittal Rao : In the Bill it is stated that the President may legislate even when we are sitting here; it is an extraordinary piece of legislation. That cannot be agreed to by the House.

Shri V. P. Nayar (Chirayinkil) : Before we consider whether this Bill should be opposed at this stage or not, I want to know why the hon. Minister has not

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appended a schedule showing the number of Bills which are now pending before the Legislature of Travancore-Cochin so that we have an idea whether we can get time. I want that it should be there before a statement is made in the Statement of Objects and Reasons that Parliament might not have time to deal with them. I also want to know whether the Speaker of this House was consulted before such a statement was made. It is for the Speaker and the House to find out whether we can get sufficient time for the business of the Travancore-Cochin State before having this extraordinary piece of legislation. We would like to have this information before we can apply our mind as to whether we should oppose the Bill at this stage or not.

Shri A. M. Thomas (Ernakulam): One word, Sir.....

Mr. Speaker: I am not going to allow a discussion on this matter. I am not going to allow cross-questions as to what are the other points and so on and so forth. Those can be had for a later stage. There will be ample opportunity at the consideration stage. The hon. Members may say that this ought not to be done or that ought not to be done and that powers should not be given to the President and all that at a later stage. Now, I will put it straight to the vote of the House. Has the hon. Minister anything to say?

Shri Datar: So far as the first point is concerned, there are 3 or 4 Bills pending before the Travancore-Cochin Legislature and some power would be necessary for the President to make laws especially as they deal with tenancy.

So far as the other question is concerned, it is entirely for you to give time to this Bill as early as possible. All other questions dealing with the merits of the Bill will be discussed when the matter comes up for consideration.

Shri Kamath: In this Session?

Mr. Speaker: This will be disposed of in this Session, I think.

The question is:

"That leave be granted to introduce a Bill to confer on the President the power of the Legislature of the State of Travancore-Cochin to make laws."

The motion was adopted.

Shri Datar: I introduce the Bill.

REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) BILL

Mr. Speaker: Now, the House will take up further consideration of the motion that the Bill further to amend the Representation of the People Act, 1951 and to make certain consequential amendments in the Government of Part C States Act, 1951, as amended, be passed.

The Minister of Legal Affairs (Shri Pataskar): Sir, I will give my reply after hearing the speeches of hon. Members.

Shri A. K. Gopalan (Cannanore): This Bill is a very important piece of legislation which affects the future democratic set-up of this country. The members of the Select Committee as well as the Chairman have to be congratulated because they have made certain amendments in the law. But, so far as the Government is concerned, they have not, I am sorry, accepted some of the most important amendments. If the experiment of parliamentary democracy were to succeed in our country, it is very essential that the choice of the representatives of the people should be made in a very fair, free and impartial manner. It is not only enough that the people are given the right of franchise but it is also necessary that they should be given the opportunities to exercise that franchise in a fair, free and impartial manner. The vote in a democracy is the free expression of the opinion of the people. So, there should be nothing in the way of the voter exercising his free will. What has been our past experience? Our past experience, in the last general elections as well as in the other elections conducted afterwards, was that there were so many things, there were intimidations by the landlords, especially in the villages, where the voters, agricultural labourers and others, who were under the influence of landlords, were not only intimidated, but there were also instances where they were forcibly stopped on the election day from going to the polls to exercise their franchise. This took place at several places.

As far as Travancore-Cochin is concerned, I know that there were several instances where the religious heads distributed leaflets and threatened the voters saying that if they voted for certain political parties and did not vote

[Shri A. K. Gopalan]

for the Congress Party, certainly they would incur divine displeasure. There were again instances where the voters belonging to certain religious sects had been asked only to vote for certain persons. When some issue was raised in the High Court, unfortunately even the High Court stated that in certain circumstances such a thing could be done.

[MR. DEPUTY-SPEAKER *in the Chair*]

There were also instances where openly the religious sentiments of the voters were utilised and they were intimidated to vote for certain parties.

The next question is about giving money and this question was discussed yesterday. As far as corrupt practices are concerned, not only in the Parliamentary elections or State elections but also in Panchayat elections, you can find them. I know in my district about six months back, a panchayat election took place, but there was no secret voting by ballot; it was only by raising hands; the nominee of the Congress Party spent about Rs. 25,000 as far as giving money openly is concerned and there is no secrecy about it. Even such things are practised today not only in big elections but also in the panchayat elections.

Another thing to which attention had been drawn by Shri Kamath yesterday was that in the elections in many provinces—I have seen in more than three provinces—the pictures of Mahatma Gandhi as well as the Prime Minister had been used, stating "Vote for this candidate because your vote to him is a vote to the Congress, is a vote to those persons whose pictures are shown here". There had been open inducement in that way.

In the report of the Election Commission on the first general elections in his country, two things have been brought out; that the elections must be conducted and directed in a non-partisan manner and that the party in power must not be placed at any time in a position to influence the conduct of the elections in a manner which will go to favour its own interest. These two important things are mentioned in the report. In the Bill these two things must be looked into first.

I will not go into much detail, but as far as the amendments given by the Opposition are concerned, most of them, if accepted, would have certainly removed these two defects which the Election Commission has pointed out. If the elections are to be conducted free and fair, then these two things must not have been there, and that was the reason why so many amendments had been tabled by the Opposition. If our amendments had been accepted, certainly these defacts would have been removed.

I want now to point out certain things, in addition. To ensure free and fair elections, proper provisions in the Bill relating to the conduct of elections and regulating the process of selecting the representatives are necessary. As far as this Bill is concerned, what are the things that we find in it?

First, take the disqualification clause. It is stated that those who are convicted for more than two years' imprisonment will be disqualified and they cannot stand for election. May I put a question to the hon. Minister of Legal Affairs as well as the other Members of this House? What happened before 1947, when the Congress was fighting for freedom and when a foreign government was here? I know how a Congress leader in my province, who had been convicted in 1922 in the Khilafat Movement and sentenced for transportation for life. was disqualified from standing for the elections—he was released after eight or ten years and he applied to stand as a candidate in the first elections, but he was disqualified because he was convicted and sentenced for transportation for life. There was at that time such a big agitation in which we also took part, that is, the Congress Committee and all other parties, and we stated that the action of the Government then was wrong, that it was undemocratic. We said so because he was only a political prisoner and in the context of the fight for freedom he was convicted. When the Congress Party has come into power, it has framed those very same rules, against which we all protested at that time. When we now say that the elections should be free and fair, and that we must know the mind of the people, I do not know why this particular clause is put in here. There was an amendment tabled stating that those persons, who are convicted for two or more years but not involved in moral turpitude, should not be disqualified. Even that amendment was not accepted. I do not know why it was not

accepted. Though a person had been convicted for more than two years imprisonment or more, if moral turpitude was not involved therein, he should have been allowed to stand for the election and he should not have been disqualified.

There was another amendment tabled. The people who had been convicted and sentenced, have suffered their imprisonment for whatever offence committed by them. After they are released, you cannot punish them again. Under the Constitution, you cannot punish a man twice for the same offence; you can punish him only once. For a certain offence, he was imprisoned. After he is released, he is being disqualified to stand for election. This is a fundamental right for a man. He has got some opinion against the Government and he wants to show that opinion. Any citizen in the country has a right to say what he thinks of the Government and he does it by casting his vote against the Government, which means that the policies or actions pursued by the Government are not liked by him. This fundamental right of a man to exercise his franchise thought the franchise is given, is taken away. As far as that question is concerned, we had given an amendment and even that had not been accepted.

I can only think that this is a revenge against the opposition parties. We may be convicted tomorrow. Even the Prime Minister had been convicted for more than two years. What would have happened if the Prime Minister, who had been convicted under the British regime, had not been allowed to stand for the election? When we want to have free and fair elections conducted, when we want to know the opinions of the people, why should this disqualification clause be still there? I will give you an example. In connection with the States reorganisation question, thousands of persons in Bombay and other places had demonstrated and several of them had been convicted for more than two years. Even now a Member of this House has been convicted for ten years; he is not here; he is in jail outside; though that territory is a part of our country, it is now under the rule of a foreign government. What will happen to that Member?

Shri Pataskar: We do not recognise that conviction.

Shri S. S. More (Sholapur): He will not come under this disqualification.

Shri Venkataraman (Tanjore): We are concerned with conviction in India.

Shri A. K. Gopalan: I am glad that at least he is not disqualified. I want to know about the other persons who have been convicted. In Bombay and other places there had been trouble and people had been convicted, and sentenced for more than two years. After they are released, what will happen to them? In the ordinary circumstances, in so many places, there may be strikes by workers and the worker may be sentenced for two years or he may be sentenced for more than two years.

12 NOON.

There may be certain sections in the Indian Penal Code or the Criminal Procedure Code by which you can convict a man for two years even for satyagraha. All those persons who fought against the Government, who fought for their rights, will be disqualified. Then, there is this disloyalty to the State. What does it mean? It means disdisloyalty to the Government. There are so many persons who have, under one Act or another, been suspended or sent away from service. Many of them have not even the right to ask the Government as to what their offence is they are not given a charge-sheet They do not know why they are dismissed after many years of service. It does not stop there. They are not even allowed to exercise their franchise right; they are not allowed to stand for election. This is very important. The right is given. You have given the Fundamental Right to express his opinion at the time of the election. But, at the same time, there are so many disqualifications by which thousands of persons are denied this right.

Mr. Deputy-Speaker: The hon. Member promised that he would try to finish within ten minutes.

Shri A. K. Gopalan: I did not promise. But, even the Government breaks promises.

Mr. Deputy-Speaker: The hon. Member complains about that. Why should he give an opportunity to be complained against?

Shri S. S. More: Does he mean to say that he will behave the same way as the Government?

Shri A. K. Gopalan: Sometimes we may be forced.

Shri Pataskar : Every party's ultimate goal is to come here.....

Shri S. S. More : And behave the same way ! (*Interruptions.*)

Shri A. K. Gopalan : If these are there, how is the Bill going to help the people to express their views with greater freedom?

Then, I come to the election deposit. Only a man who can get Rs. 500 at the beginning can qualify. Suppose a person has got only Rs. 100, how will he be able to represent the people? The amount of deposit should be lowered. There was an amendment to the effect that there should be a nominal amount for this purpose but that amendment was not accepted. Only those who have got Rs. 500 will be able to stand for election.

There was also another amendment to the effect that facilities for broadcasting, etc. must be made available to the other parties also but that was also not accepted. Clause 81 says that certain rules will be framed and they will be laid on the Table. There are many things that can be done in the rules. Some advantages can be given to the voters and to the people. I request the Minister that the rules may be framed immediately and the new rules may be placed before the Parliament so that we will have another opportunity to see whether anything could be done to remove the difficulties. There have been some useful amendments but the Government did not agree to them. If those amendments were accepted, many things which stand in the way of free and fair elections would have been removed. My only regret is that the Government did not agree to the two fundamental principles which have been pointed out by the Election Commission to make elections free and fair.

Shri N. C. Chatterjee (Hooghly) : In spite of many differences, I think we should start by congratulating the hon. Minister, Shri Pataskar for having successfully piloted two very controversial and difficult measures—The Hindu succession Bill and this Bill, Shri Pataskar's Ballot Act, if I may call by that name the Representation of the People (Second Amendment) Bill, 1955. I was at a big meeting the other night organised by the Arya Samaj at the Dewan Hall and they asked me to explain the good and bad things of *Hari Smriti*. I did not understand and later on I discovered that the people of Delhi called the Hindu Succession Bill that way because Shri Hari Vinayak Pataskar had sponsored it. Anyhow, it is a good achievement.

I have been trying to make a balance sheet or a profit and loss account. I find that we have distinctly improved this Bill in four or five ways. Firstly, we have removed the many disqualifications and given the Election Commission the necessary power to remove certain absurd disqualifications based on technical breaches of law. That is a distinct gain. Secondly, we have simplified the corrupt practices—major, minor and illegal. As you know illegal practices were never invoked for the purpose of successfully impugning an election. I think we have done well in removing all these absurd and artificial distinctions.

Thirdly, we have simplified the nomination procedure. I wish we had not merely eliminated the seconder but also eliminated the proposer as the Election Commission recommended. Lastly, the tribunal procedure has also been simplified. I wish non-official elements had also been kept. But, now that the Supreme Court has definitely stated that the Nagpur High Court was wrong in Mr. Kamath's case and that Article 226 can be invoked successfully and prerogatives could be issued against the election tribunal, it is much better for providing for appeals. I wish Pandit Thakur Das Bhargava's amendment had been accepted so that the account of the election expenses would be filed after election petitions had been presented so as to make it impossible for any person to blackmail or artificially bolster up a fictitious case in order to harass the successful candidates.

On the other hand, we have to take into account the losses also. I regret to say that there are losses. I am quite sure that Shri Pataskar will have to introduce another Bill after the States reorganisation takes its final shape and the artificial distinction between States A and B and C is eliminated so that there may be some kind of uniformity. Then, this Bill will have to be amended again. The first dissatisfaction or regret I voice is that although we have got a ceiling in name, that ceiling has really been torpedoed. I am glad that the Minister had to yield under the Opposition's heavy bombing, also reinforced by some Congress friends. But it is no good keeping

a ceiling like that and at the same time allowing big and resourceful parties to spend any amount of money. Shri Pataskar protested, more than once, that Shri Asoka Mehta's figure of Rs. 3 crores for the election fund of the Congress was not right. But he protested too much. We would like to know what is the figure. Anyhow, he has not given that.

An Hon. Member: Seven crores.

Shri N. C. Chatterjee: We do not know. Anyhow, if the ceiling has to be effective, it should be on the basis of Shri Deshpande's amendment or something like that which would place the parties on the same footing. The amount spent in the special interest of particular candidates also would then be included in the returns so that we knew exactly where we stood.

Secondly, I also share Shri Gopalan's regret that we have not removed clause (b) of section 7. Although independent we are still suffering from the vestiges of imperialism. What is the point in keeping this absurd disqualification? I am happy that the Minister has assured us—and that is the correct interpretation—that our hon. colleague, Shri T. K. Chaudhuri who has sacrificed so much for the cause of the liberation of Goa will not come under this disqualification at all, because his conviction and sentence has not occurred in India. Of course we want India including Goa, but it is not yet so under the Constitution. But still there are people in this House who might be affected because they had to take part in certain Satyagraha movements. It is not the monopoly of one man or one party or one organisation. It is meant for the purpose of vindicating the fundamental rights of citizens or certain Members for which an organisation stands. Therefore, it is not right to keep those provisions there.

I am also sorry that the impersonation clause which Shri Kamath wanted to sponsor was not accepted. It leaves a very bad taste in the mouth that such a big party like the Congress Party, of which Shri Jawaharlal Nehru is practically the head—he is Prime Minister and the leader of the House, and he was sitting here—was solemnly voting down that provision regarding impersonation —whether impersonation was to be made a corrupt practice or not. That shows that they do not really mean honest business and only pay lip service to fair and free elections.

I wish also that another amendment had been accepted namely, regarding the ministerial tours. These tours unfortunately synchronise, at the psychological moment, with a by-election. It is a common practice and it is our common experience that whenever there is a by-election, we find, immediately in that area, that the Ministers have got to visit and do some official work. Then that means that official pressure, intimidation or official influence come into play and they take many insidious and subtle forms which are brought into play. We wish something could have been done to stop such things. Shri Kamath had given the example of Mr. Attlee. That could be followed not only in word but in practice. I am quite sure that men like Shri Jawaharlal Nehru or Pandit G. B. Pant do not want that the elections should be won by their party by dishonest means. Things should be done in such a way that others could follow. They should not only do it themselves but set an example so that the country should know that the big leaders of the big party, the ruling party, do not want to use any of the opportunities given to them for the purpose of furthering their party's election prospects. Those leaders are not merely in charge of the Central Government but are ruling over the destinies of practically a good part of India.

The last point that I would like to make is this. When the time comes for amending this Bill, certain other provisions ought to be taken into account and the lacuna that we now feel should be removed, especially in regard to the point where a lot of discontent has been expressed, namely, the allotment of symbols. They have been done in an erratic way. I do not say that the Minister will exercise any undue pressure on the Election Commission, but I hope the Election Commission will take a rational view of things and exercise their discretion in such a manner that there will be no cause for complaint.

I also wish that if there is any question of keeping any disqualification arising out of offences, it ought to have been kept only in the case of offences involving moral turpitude. I cannot understand why it was otherwise argued. I do not want to make any particular grievance of it, but it is almost absurd

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for this Parliament not to have such a clause in this Bill, especially when the Finance Minister sponsored the Companies Bill and had such a clause in that law. For an offence involving moral turpitude, the directors can be disqualified and certain persons who commit that offence cannot be eligible for managers, and all that, and they could not hold responsible positions under the companies. But when you are enacting the Representation of the People Act, you say you cannot have such a clause because the hon. Minister says that it is vague and illusory. Then, is it not vague and illusory for the Bar Councils Act, for the Legal Practitioners Act and for the Companies Act? I do not feel there would be any difficulty.

Anyhow, I am entirely satisfied that this Bill, as it has emerged from the Select Committee, is a distinct improvement over the Bill which was originally sponsored. This Bill which we are passing today, incorporating as it does the removal of certain disqualifications, is a distinct improvement over the Bill which emerged from the Select Committee, and it will do something to make it possible for us to have fair and free elections. Of course, eternal vigilance is needed not only on the part of Ministers but also on the part of every one. It is only a national and gigantic effort that will keep democracy functioning in the proper way.

Shrimati Jayashri (Bombay-Suburban): I rise to support the Bill and I take this opportunity of congratulating the Minister on simplifying the election procedure. We achieved our freedom in a very unique way, and the first election in the republic of India was also a unique one. No shouting of slogans, no rushing of cars, no snatching of the voters, was witnessed. The eyes of the rest of the world were on us. They were looking at us and wanted to know how we will come out of this election programme. We showed that though our people were illiterate, still, we could and we did—behave in a very dignified and intelligent manner.

Sir, I am proud of our women. Our women came in large numbers to the polls. We are told that half the number of voters were women. Though illiterate, they exercised their vote in a wise manner. Nearly 51 per cent. of the voters exercised their franchise during the last election. This shows that there is no necessity for having a compulsory voting as suggested by some hon. Members, and I am glad we have not accepted that suggestion.

Some of the Members suggested that we should change the mode of voting. I am glad that we have stuck to the mode which we followed during the last elections. That was simple and easy for our people to understand. I do not think we can have a simpler mode for the elections. I am glad that we have not changed it and we are not going to change it.

Many Members have spoken about the submission of the returns of the election expenses. I am glad we have not changed the relevant clause, putting a ceiling on the amount. If we are going to put a ceiling, we should submit the returns during the particular period. If we do not stick to this, then we give a chance to candidates to manipulate and I think our Members here—those who fought the elections—know how expenses can be manipulated. So, we should give as little chance as possible to Members to manipulate, and I am glad that we have kept this clause as it stood. In the last Select Committee which was appointed in 1953, I remember that this suggestion was brought up by Pandit Thakur Das Bhargava, and some of us were there, and we did not accept this suggestion. I am glad we are not going to change this clause now.

I have not much to say. I am glad that our election procedure is going to do justice to all the parties. It is not going to do favour to the majority party alone. It is going to be an impartial election procedure, and in that way, I hope the Members will be satisfied. I hope that the next elections will also be fought in a very peaceful and dignified way.

Shri M. K. Maitra (Calcutta North-West): Mr. Deputy-Speaker, Sir, during the discussion it was pointed out several times on the floor of the House that general elections on the basis of adult franchise were one of the biggest experiments in democracy in this country. I quite agree it was. But when we look at the amendments that were proposed by the Government, we feel that the desire to popularise the elections, the desire to rouse enthusiasm among the people to exercise their right of franchise were absent.

The Representation of the People (Second Amendment) Bill, as it has emerged after its second reading, has

not gone far enough to simplify the election procedure. Instances have been cited that in the United Kingdom or in other places, some such procedures are there. But, while comparing India with U.K. or other foreign countries, we must not forget that there are certain difficulties in our country. For example, the low percentage of literacy is there; the difficulties in communication are there. When we will have to enthuse our people to take part in voting and to exercise the privilege of franchise, we should take into consideration all those facts. I am sorry to say that all these facts were not taken into consideration.

My hon. friends, Mr. Gopalan and Mr. Chatterjee have pointed out the disqualifications placed on voters for standing as candidates, like imprisonment for two years or more etc. I think Government should have deleted that rule, because we know that even for securing the smallest demands, people will have to resort to civil disobedience and other measures. Although we are living in a democracy, it is very difficult to get a hearing from the Government and therefore, people who want to secure their demands, have to resort to law-breaking and other things. So, that fact should not have been ignored while putting in that clause. It has been said that the Election Commissioner has the power to relax that rule; but, in a State of democracy, is it right to invest the Election Commissioner, a public functionary, with so much of undefined powers? I am not casting any reflection on the Election Commissioner, but I say it is dangerous to invest a public functionary with too much of undefined powers.

My friend, Mr. Gopalan, has already pointed out that in this country the amount of deposit should have been reduced. The amount of deposit now fixed both for the Lok Sabha and the State legislatures is not commensurate with the per capita income of the people. When you allow a person the right of exercising his franchise, when you allow a person to contest an election, you should not lose sight of the economic conditions prevailing in the country. Therefore, these reasons for reducing the amount of deposit should have been taken into consideration while the Bill was under discussion.

I must confess that during the last four years, the Ministers and Deputy Ministers have failed to create any convention. It is the convention that while a Minister or a Deputy Minister goes for election propaganda, he must not use the Government conveyances and other privileges. Only three weeks ago, there was a bye-election in Calcutta and I found that Ministers and Deputy Ministers went to address the election meetings in Government cars with liveried orderlies standing by them. Therefore, when the Ministers fail to establish any convention, rules should have been provided to prevent them from abusing their power.

I now come to another question, namely, the question of allowing broadcasting facilities to Ministers. Off and on before the elections, Ministers have been allowed to use the broadcasting station and from there they broadcast to the people about the work of the Government. Of course, it has no direct connection with the elections; but if just on the eve of elections these facilities are utilised by Ministers and Deputy Ministers, it naturally influences the people. Instances have been cited about U.K. In U.K. opposition leaders have been given the facilities to address the people through the B.B.C. That facility has been denied in our country.

Therefore, I must say that these amendments should have been undertaken with an eye to simplify the election procedure, to stop the abuse of power and to stop corrupt practices. But, if we look into the amendments, we are disappointed. About corrupt practices, the simple suggestion of Mr. Kamath about false personification has not been accepted. I may point out that during the last elections three weeks before, persons were challenged for false personifications, but the officers controlling the booths were Government servants. Rs. 10 were deposited for each of those persons. But they were allowed to go to bring identifiers never to return. These things should be stopped; I am sorry that the Government could not accept that suggestion.

Also, during the last elections 450 ballot papers went out of the polling booths, never to return. These things must stop. We expected that the Government would accept the Opposition's suggestion in regard to some of the rules in the Act to stop these things, but the Ministers do not like to establish any convention. With these words, I am of the opinion that these amendments have been prepared more with an eye

[Shri M. K. Maitra]

to keep the ruling party in power perpetually than to simplify the election procedure and stop corrupt practices.

Shri Kamath (Hoshangabad): My first regret is that this Act is still not being extended to Jammu and Kashmir. The Minister of Legal Affairs paid a glowing tribute to the competence of the Election Commission and I think as a natural corollary to that encomium, the first opportunity should have been taken to extend the jurisdiction of the Election Commission to Jammu and Kashmir; but that has not been done for reasons best known to the Minister and to the Government, of which the head is the Prime Minister.

My next regret is that my simple amendment providing for a stay by the election tribunal where the party gives notice of his intention to file an appeal in the High Court was rejected and not accepted. I am sure within the next few months or after the next elections, there will be practical difficulties in the enforcement of that particular provision of the Act and then I am sure the Government will come before this House with another amending Bill in that regard. Let events take their own course. The Government which has legislated in haste will amend at leisure.

Next, I would like to dwell upon one more point and that is the amendment which was supported unitedly by all sections of the Opposition yesterday, with regard to party expenditure or organisational expenditure in sponsoring or promoting the election of their candidates. I am given to understand that various interpretations, many of them misleading, are being put upon the Government's acceptance of this amendment. But, I am sure that the Minister of Legal Affairs who was present in the House during most of the debate, and at other times was assisted by some of his active colleagues, has not lost sight of the trend of the speeches made on this side of the House. There is no use accepting the letter and rejecting the spirit of the amendment which was moved by the opposition yesterday. If after accepting the opposition amendment, they lose sight of the spirit of the amendment and the speeches on this side of the House,—if they ignore that,—I for one have no hesitation in saving that the Government would be acting dishonestly, acting *mala fide*, talking with the tongue in their cheek, and I hope they wont do it. I hope that the rules to be framed under the Act will make specific provisions, having due regard to the spirit and the trend of the united feelings of the opposition in this matter with regard to the showing of party expenditure in the election expenses return. Otherwise, I am sure, if they ignore this, if they go their own way, it will be a boomerang which will recoil on them some day, and Nemesis will overtake them sooner than they imagine. I hope they will not descend to such a level, and that they will incorporate the substance of the amendment as reflected in the speeches of the opposition members in the rules to be framed under the Act. I support wholeheartedly Shri A. K. Gopalan's suggestion that if the Government are really serious about the matter of the rules being examined by the House in the interests of fair and free elections, in the interests of the purity of the elections, they will try their best to see, not only try, but see that the rules to be framed under clause 81 shall be laid before both Houses of Parliament during the next session, July-August, so that we would have enough time to examine them for 30 days before the next session is over, and finalise the rules so that the spirit and substance of the discussions on both sides of the House may be incorporated in the rules with regard to the important provisions of the Act.

One word more and I have done. I am very very sorry that my amendment in regard to including impersonation as a corrupt practice on the ground of which an election could be held void by a tribunal or appellate courts, has not been accepted by the House. I apprehend the reaction of this rejection on the other side will be very unfortunate for them. I do not mind; it is all right for us. It would be unfortunate for them. Already in some other connection, one word, in the countryside, I have heard, used and that word will be used with reinforced vigour again and that is 'चार सौ बीस' I have no doubt that that word will be heard again in the countryside that this is a Government of चार सौ बीस' when they did not accept the amendment of impersonation, being included as a corrupt practice. I would be sorry if that word 'चार सौ बीस' is broadcast—I am sure the radio will not broadcast it—all over the country and the urban areas against my friends opposite, particularly the Minister of Legal Affairs for whom I have great

affection and regard. I do not think that he or many of his other colleagues fall under the category of 'चार सौ बीस'. Unfortunately it may be used as a powerful weapon against them. They will rue the day when they defeated this amendment as regards impersonation.

Shri Venkataraman: Apart from Chapter III of the Constitution, the most important piece of legislation which guarantees political rights to the people of India is the Representation of the People Bill. I am very happy that this Bill is about to be passed with a fair measure of support from all sections of the House. It is true that it is not possible to satisfy every one. But, the measure of support that it has received from all sections of the House is a fair indication of the genuineness of feeling on the part of the Government that democracy should prevail not only in letter, but in spirit also. But, there are a number of allegations made in the course of the debate. Owing to the procedure that we follow in which the people who move amendments speak and only the Government replies, a lot of these allegations went unchallenged, I think it is very unfair to the Congress party and the party in power. It was said by Shri A. K. Gopalan that there was intimidation of voters and so on. I know cases where the other party has intimidated workers from going to the polls, intimidation of workers to votes for a person and I know also of cases where other parties have said, if you vote for my party, we will divide the whole country into holdings of five acres.....

Shri A. K. Gopalan: I said only intimidation. I did not say Congress party. Wherever there is intimidation.....

Mr. Deputy-Speaker: Even otherwise, I am doubtful if the hon. Member would be justified in answering the criticism at this stage.

Shri Venkataraman: I am only trying to show that it is not as if allegations could be made only against one side. There are plenty of things to be said on the other side also. Let not the country go with the impression....

Shri A. K. Gopalan: Let my hon. friend be clear. What I said, was that the last general elections showed that all these things had been done irrespective of any Bill that is passed here. I did not say when I said about these things that a certain party did it or the Congress party did it. I only said, intimidation and other things had been there and it must be stopped.

Shri Venkataraman: I thank Shri A. K. Gopalan for the clarification. I withdraw the criticism. If that is what he said, there is no criticism.

The next point so far as the law which is to be enacted is concerned is, it has made a very great improvement in the matter of dealing with election petitions. We know of cases in which when an election tribunal gives a finding, the parties did not know to which authority they should go. Firstly, they moved the High Court. After some time, the High Court said that it had no power to entertain these petitions, under article 226. Thereafter, they moved the Supreme Court. This created a lot of confusion. Election petitions which normally should have been disposed of within a short time were revived over and over again by appealing to different authorities. Now, the entire confusion has been done away with. We have now provided an appeal to an authority like the High Court which should be satisfactory to all the parties. That is a very great improvement made and is being welcomed by all parties concerned.

The other point to which I would like to draw pointed attention is with regard to election expenses. Yesterday, in the course of the debate with regard to sub-clause (4) of clause 77, I said that if that clause is dropped, it would lead to arguments whether party expenditure would or would not be included in the total permissible expenditure of the candidate. My hon. friend Shri N. C. Chatterjee immediately got up and explained. I would like Shri Kamath to hear this. After hearing Shri N. C. Chatterjee's explanation, he voted for the deletion. We pressed for the deletion. He is now saying that the Government should adopt the spirit and not the letter. Having himself voted.....

Shri Kamath: The letter and spirit.

Mr. Deputy-Speaker: The hon. Member only wanted Shri Kamath to hear and not to answer.

Shri Kamath: He is misrepresenting.

Shri Venkataraman: I am truly representing you. I am saying you made a mistake.

Shri Kamath: You are misrepresenting still, I would say.

Mr. Deputy-Speaker: It would be better if the hon. Member continues addressing me and not Shri Kamath directly.

Shri Venkataraman: I may point out that this is what Mr. Chatterjee said in section 77(1):

> "Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent....."

I may refer to one case. There was an old zamindar of over 80 years, and his son was contesting the election. The manager and the staff of the zamindar did give assistance to the zamindar's son. The election was set aside because the election return did not show the salary of the manager and the zamindar's staff. The Supreme Court said it was thoroughly proper because he never incurred that expenditure and he never authorised that expenditure. I said that "this leads to the conclusion that whatever expenditure is incurred by any party without a ceiling or without a limit would not be considered to be election expenditure". And the House was not in any doubt about it. Therefore, the effect of dropping clause (4) was perfectly clear before the minds of all the Members. On the other hand, it was I and some of the Members on the Congress benches who wanted to put a ceiling even on party expenditure because there were all sorts of allegations made. Shri Asoka Mehta said two days back that the Congress had collected Rs. 3 crores. Shri Kamath said yesterday it was Rs. 5 crores. If the Bill were to continue for 30 days it would become Rs. 32 crores.

Shri Kamath: What do you say?

Mr. Deputy-Speaker: Order, order. He has nothing to say, but only to observe.

Shri Venkataraman: I say the whole thing is fantastic. I further say there are similar allegations about foreign money coming to groups opposite. This is not certainly a matter in which you can legislate on the basis of some rumour floating in the country. I asked whether we were or were not in favour of putting a ceiling on party expenditure, and I suggested in the course of my amendment No. 229 that the expenditure on a party, in so far as it relates only to publicity for holding public meetings, issuing circulars, pamphlets and all that, may be considered to be proper expenditure by the party, and any other expenditure by the party may be excluded and counted as illegal or unauthorised expenditure. That was not accepted. Now it is not right for the Opposition to say that they meant one thing, that they voted for another thing, and therefore the Government should carry out what they meant and not what they voted for.

Shri S. S. More (Sholapur): I take this opportunity to appreciate the improvements that we have made in our election law. In a vast country like India with many differences, it is extremely difficult for any political party to satisfy all, but at the stage of the third reading we can take an over-all view of the whole thing and say that the Bill on the whole has emerged from the Select Committee and much more from this House in a very appreciably improved form.

But I am not looking to the past. I want to look to the future, and I want this Government to take particular steps. If you want to develop the socialist pattern, you will have to develop another form of democratic Government and also another form of election which will be easily conducive to lead us to a socialist pattern. Merely following tamely and without much thinking in the footsteps of the English pattern, their form of democracy, is not enough. I may quote that Lenin and Stalin observed on many occasions that Marxism prescribed a revolution but every country had to develop its own method or form of revolution. In the same way I say that though different countries may be travelling on the road towards democracy, they will have to develop their own instruments, suitable to their own traditions, temperament and the objective conditions prevailing in the country, and from that point of view I wanted to suggest that compulsory voting was a necessary part, an

unavoidable part, of our form of democracy. The suggestion was not accepted. It may not be accepted coming as it does from Shri More, but the future is inexorable and it will impose compulsory voting on the party which may be in power. There were many who opposed compulsory education and yet it had to be accepted. There were many who opposed compulsory vaccination, they had to be converted to accept compulsory vaccination. So, the present opponents of compulsory voting will have to accept it some day as the future plans develop and everybody is reduced to a certain small size of personal wealth. Politicians will be in future coming to this House who will be pauper but popular, and when they are popular compulsory voting will enable them to come to this House and plead the cause of the people.

Another suggestion which I wanted to make was that the majority party which comes here must not be having only a majority of members in this House, but it must also reflect the majority opinion in the country, and for that we shall have to fashion our election instrument in such a way that the party which sits on those benches must represent and have the support of the majority of the people in the country. Unless that sort of majority is reflected in the party in power, by no stretch of the imagination can it be said that it represents the majority of the people. A minority of votes and a majority of seats is a fraud on democracy, and it will have to be avoided tomorrow or the day after.

I need not take much time of the House. I do accept that both the Opposition and the party in power have approached this subject in a very sober, moderate, accommodating spirit. My friend Shri Kamath was very keen that his amendment about impersonation should be accepted. But, I should take the liberty of telling him that impersonation is not confined to one party alone. In a vast electorate where hundreds of voters come unknown to every candidate, your enemies my enemies will also see that some persons go there, impersonate others and put their votes in the box. Such persons who are unconnected with us, without our knowledge and even without any sort of encouragement will come to vitiate our elections. The best course is to bring everybody to poll so that there will be no person sitting in the village or house who will be impersonated. That is the best method of ensuring or eliminating impersonation.

I do believe that the Minister of Legal Affairs will have to come forward with another measure that would still further improve this instrument of our elections.

Shri Vallatharas (Pudukkottai): We have done some very good work and the Government have demonstrated their attitude of toleration and also of having the sense of seeing sense in the Opposition. I think this is the first occasion on which there has been some mutual regard on either side.

Apart from the achievements, I want to make one general observation. This law of election has not been originated by us. It has been imitated or copied from another system prevailing in England. So, the law was not born in this country, has not been grown up and been developed by us, but at a certain stage we have adopted it. We know the defects existing in the system. Having known the defects positively even as early as 1944 from some of the best English writers on the English electoral system, we have failed in our duty to see that during these years a different modified electoral system is introduced to suit the aspirations of our nation and our necessity. I am not happy or sorry. Some Members said they felt happy at what we have achieved here. After all, too much of expenditure or too much of influence by one party or the other would not count much for upsetting or unsettling the state of things which are now coming into existence. One or two Members in my place had spent Rs. 1 lakh or Rs. 75,000, they have since become bankrupt; and even though the Congress Party wants them to stand again they refuse. Another gentleman spent Rs. 2½ lakhs against me and some others; and he has refused to stand again because his family has become bankrupt and his sons and daughters have all suffered. I am not worried about his existence. I am of the view that there should be no limitation or ceiling on the expenditure, and a return of expenditure should not be required to be filed. Let everybody spend according to his mite, and let everybody get money just as Viswamitra asked money for his *yaga* from Harischandra. We know the consequences of such uncontrolled expenditure.

[Shri Vallatharas]

Irrespective of the fact that I admire the progress that we have made, I want to stress on this occasion that the English system itself had about eight or nine defects. All those defects apply to us also. The first defect is that the electoral system is not effective and real. I do not want to explain these things in detail, because I have no time. The second defect is that fools, knaves, irresponsible people, and people who do not know anything of human psychology and so on come into the legislature by reason of the fact that the party system has come into existence. These are not my words, but those of the great English writers who had written on the English Party System.

Mr. Deputy-Speaker: These words are all of very immense value, but they do not find a place in the third reading.

Shri Vallatharas: I am coming to the point. The reason why I am stating all this is that these defects exist in the electoral system. The next defect is that the financial position of the candidate is weakened, because he is subjected to high and expensive courses. In this way, they have given about nine defects. I do not want to go into all of them here, for want of time. But I would only say that the result of all this is that not only free election is impeded with, but on the other hand, the proper members are not being elected.

I would submit that the electoral law is the sheet-anchor on which a balanced House of representatives should rest, and on that basis alone can the national welfare be safeguarded. Democracy does not mean that we should subvert the pyramid and bring in ignorant and illiterate people into the legislature and enable them to become Chief Ministers, Ministers or Members of the State Legislatures. I am ashamed as to why we should devote so much of importance to education, to a study of humanities and so on, when we are going to be ruled by ignorant people. I am not denying the right of any human being to come into the legislature. But when we are working as parties in a democratic system, we must be able to see that the proper and competent persons are put into the legislatures as members, and that is the only way in which a balanced House can be brought into existence. Unless such a balanced House of representatives is established on the basis of the electoral system, all other aspirations and achievements are absolutely useless.

That is why I beg to submit that it is time now for our Government to consider this question in all its implications—even as the British Government considered it about the end of the war, before the Labour Party succeeded in the elections. They brought forward a resolution requesting the House of Commons to appoint a committee or a conference to be presided over by the Speaker to go into the whole matter. Likewise our Government, by a resolution, should enable our House to freely, fully, openly and frankly debate on all the rules that have to be framed in respect of the electoral system.

[MR. SPEAKER *in the Chair*]

Then, a committee presided over by the Speaker himself must sit over it and codify all the electoral rules.

We are not here to tinker with certain things. We want that this new era which has started since 1952 must confirm the total end of the old era and the starting of a progressive era suited to the plans which we have got and also to our national aspirations in the interests of the future of our country.

श्री वी० जी० देशपांडे (गुना) : अध्यक्ष महोदय, जन प्रतिनिधित्व विधान इस सदन में स्वीकार होने के पश्चात् बधाई के उद्गारों का यहां पर उच्चारण किया जा रहा है । मुझे यह समय निन्दा करने के लिए या नुक्ताचीनी करने के लिए व्यतीत नहीं करना है । यह भी यहां पर कहा गया है कि हमारा जो सरकारी दल है यह इस समय बड़ा उत्तरदायी रहा है और रिसपौंसिव रहा है पहले समय की अपेक्षा, और यह रिसपौंसिवनेस उसने विरोधी दलों की बात को मान कर दिखा दी है । परन्तु मुझे माननीय श्री वेंकटरामन् का भाषण सुनने के बाद यह प्रतीत होता है कि हमारा सरकारी दल जो है उसने हमारा कहना स्वीकार नहीं किया, जो संशोधन श्री वेंकटरामन् दे रहे थे उनको स्वीकार नहीं किया । माननीय मंत्री जी ने कहा कि जान बझ कर अब हम कनफ्यूशन पैदा करेंगे । और पार्टियां चाहे कुछ करें लेकिन कांग्रेस वाले तो दो चार करोड़ रुपया खर्च करके दिखा देंगे । उनका कहना था कि तुम इसके

विरोध करते थे, इसमें से दोष निकालते थे, अब तक इसका बदला लेंगे और अब दूसरों को रोना पड़ेगा । फस्ट्रेशन से कोई सुधार हो सकता है, ऐसा मैं नहीं मानता हूं । मैं तो इस बिल की तरफ इस दृष्टि से देखता हूं कि जो चुनाव होने हैं वे अच्छे ढंग से हों, निष्पक्षता पूर्वक हों और न्यायोचित हों । मुझे यह शिकायत जरूर है कि पिछले चुनावों में सरकारी प्रभाव डाला गया था और दूसरे देशों में जो बातें नहीं होती हैं वे बातें यहां हुई थीं । मिनिस्टर सरकारी कारें लेकर घूमते थे और अपने प्रभाव से काम लेते थे । जहां तक सरकारी नौकरों का ताल्लुक है, कुछ को आपने फेहरिस्त में से निकाल लिया है लेकिन आपने हमारा संशोधन स्वीकार नहीं किया है । फिर भी अब जो कानन बना है, इसको हम बड़ी कद्र की नजर से देखते हैं । अब देखने वाली चीज यह है कि जो नियम आप बनाते हैं, जो रूल्ज आप बनाते हैं, वे कैसे बनाते हैं । इससे भी जरूरी चीज जो देखने वाली है वह यह है कि आप कहां तक इन सब नियमों का पालन करते हैं और किस प्रकार से चुनाव करवाते हैं । अभी यहां पर बताया गया है कि मिस्टर एटली अपने घर की मोटर गाड़ी को लेकर तथा अपनी पत्नी को उसका सार्थी बना कर इलैक्शन के दिनों में घूमा करते थे । इसके विपरीत हमारे प्रधान मंत्री सरकारी एयरोप्लेन लेकर इलेक्शन के दिनों में देश भर में घूमते हैं । हमारे मिनिस्टर लोग भी सरकारी कारों को लेकर आज तक जहां पर भी उपचुनाव हुए हैं जैसे भेलसा में, त्रावणकोर-कोचीन में, आफिशल टूर के बहाने वहां का चक्कर लगाते थे और कनवेसिंग करते थे । अब मैं चाहता हूं कि जो सरकारी पक्ष है तथा जो विरोधी दल हैं तथा जितनी भी दूसरी पार्टियां हैं, वे तमाम अच्छी भावना से इस कानून को यदि कार्यान्वित करने का यत्न करेंगी तो इस देश में जो लोक-राज्य या जनतंत्र आपने लाया है वह यशस्वी हो सकता है ।

Shri Barman (North Bengal—Reserved—Sch. Castes): My hon. friend Shri Kamath in the course of his speech today has made a complaint, which is in the nature of a fling at the governing party of the day, to the effect that while amending clause 41 by deleting sub-section (4) of proposed section 77, that party has by some means not accepted the spirit of the House in the course of the discussion on that sub-section. That complaint is in the nature of a fling at the party. First of all, I want to say that there is no substance in his complaint.

If my hon. friend Shri Kamath will read the amended clause 41, he will find that for a particular period in the course of the election, the contesting candidate must keep a correct and separate account of his election expenses, which account has to be produced after the elections. Sub-section (4) of section 77 was put in to make it clear that the expenditure by a party should not form part of this account. But as there was vehement opposition, we consented to dropping out that sub-section.

So far as this party is concerned, Shri Gadgil has said that the party also should have an account. But he did not say that the party account should be included in the candidate's account. That was not his contention at all.

Shri Kamath: Shri Gadgil said so. He said that the sources of income for the party should be shown.

Shri Barman: He did not say that, as far as I understood him.

Besides, I would like to ask my hon. friend whether it is at all possible for a candidate to keep a true and correct account of the expenditure that an all-India party or a State party or a party recognised in a State is incurring throughout the State or throughout India, and include it in his account.

1 P.M.

Is it practicable or not? That is the first point. If this is not practicable, then how can we propose here that the party expenditure should, by some way or other, be included in the return of the candidate's election expenditure? If once we concede this proposition and stipulate it in our law, just consider the difficulties that a candidate would be put to. He is under our law allowed to spend up to a certain limit, that is, the ceiling fixed by the Election Commission. Suppose the limit is Rs. 25,000 for a certain constituency either for a State Assembly election or a parliamentary election. Suppose the candidate has spent Rs. 24,000. If we take it that the party expenditure is to be apportioned amongst all the candidates, what would be the result in a particular case where the candidate has spent just a little below the maximum allowed?

An Hon. Member: He will exceed the amount and be unseated.

Shri Barman: So the candidate cannot keep the accounts of an all India organisation, nor would it be fair that the expenditure of the party during an election should be included in the returns of all the candidates of the party.

Shri Kamath: It used to be done before.

Shri Barman: There is only one alternative. The all-India parties have to carry on propaganda; they must educate the public in what way their parties are carrying on their election promises and also modifying their policies and programmes, according to times and circumstances. The parties must propagate throughout the whole country throughout the whole period between one election and another. You cannot say 'no' there, because that is the duty of any party, whether it is the majority party or any minority party. But now it may be said that at the time of election, during the period for which you have to submit returns that party is to stop all its activities. What does it come to? In a country like ours, where 90 per cent. of the people are illiterate, the all-India party is to stop its activities, not tell the public what are the party's policies and programmes. That means, it must leave the candidate to his own abilities or to help him in a piece-meal way. We cannot accept this proposition. So it is on practical grounds that this position has to be taken and has to be accepted. There is nothing underhand or fishy in it. Whatever we have done, we have done with a clear conscience.

Sardar Hukam Singh (Kapurthala—Bhatinda): Mr. Speaker, Sir, I am thankful to you for giving me this opportunity. I also want to associate myself with the sentiments expressed here when we are about to pass this Bill. In fact, I also congratulate our Minister of Legal Affairs on successfully piloting it. There is no doubt that we have made distinct improvements on the Bill as it emerged from the Select Committee.

There are, however, certain things where I differ. They required certain amendments and they have not been made so far. Nomination paper is one of them. There is no doubt that our nomination paper to be filed has been simplified. We do not require a seconder. But I regret very much that it is still left to the tribunal to decide and adjudicate upon the improper acceptance and rejection of it. We were very vehement at one stage that these stages should be undergone finally and everything should be decided before the poll took place. I am still of the opinion that that was the better procedure, because the present system would prolong the agony. It has been our view in this House that sometimes deliberately some papers are filed and they are not rejected at that time. These papers are filed intentionally to put the other party in the wrong, and when the other party becomes successful, then an election petition is brought and all the harassment is caused. It would have been better if the procedure that was suggested had been adopted. I do not agree that that would have prolonged the elections or that the simultaneous holding of elections in every part of India would not have been possible. That could be done. A definite period could be provided wherein this adjudication could have been made. It is my regret that that has not been done even at this stage.

Then we have now made the provision that the election tribunal would consist of only one District Judge. I believe this is good in certain respects. It was our view here that it should include even retired Judges, but, to tell you the truth, from my experience, I have not much faith, with due respect to all of them, in retired Judges. It has been our view that serving Judges are under the influence of the Government and those who have retired are perhaps free. But I differ; my experience is just the reverse. The men in service have certain traditions and they have those responsibilities which they try to discharge. There is no doubt that there has been a little deterioration. That I must confess, but even then we have greater confidence in them. The Judges who retire go round and are always looking to the Government for certain patronage and certain office, that might be good to them for certain periods.

Shri S. S. More: Not for themselves, but for their sons-in-law.

Sardar Hukam Singh: I am talking of them. The other thing is the second stage. If they might have been doing so only for their sons-in-law, that might have been a different affair, and perhaps we might not have any objection. It is not that they go round for their relations only; they themselves are seekers of certain jobs and offices so that they might make some money out of them. They are not as independent as they should be because of this desire of theirs.

Therefore, I welcome this. But one thing that has not been liked by me was —this was discussed here yesterday— that as soon as an election was decided,

it must take effect immediately. Previously, there were three Judges and the law provided that it was final, though the High Court and the Supreme Court had taken recourse to their inherent jurisdiction, that they had the general control and supervision over all these tribunals. They have exercised that jurisdiction and decided matters. But now we have definitely provided that there would be an appeal against the decision that is given by the tribunal. Now we have said definitely that there would be an appeal and the High Court in appeal can stay those proceedings and can also say that the order is reversed, and in that case, it would be deemed as if the order had never been passed. This is a queer thing, when an election tribunal gives an order and declares an election illegal or avoid and in certain cases declares another person as having been elected instead. What would be the fate of that man who comes and occupies a seat here? Suppose an appeal is filed and suppose that order is reversed. What would be the fate of the man who had occupied a seat here for about a month? When the operation of the order is stayed in appeal, he has to go out. Why should we not have taken this course, that at least the previous method that we had adopted should continue, so that the order might take effect after the publication in the gazette? At least, the person aggrieved would have got two or three days wherein he could rush to the High Court and get an order for stay.

But, now, there is no time-lag at all. The order would take effect immediately. My objection is this. Where there were three persons to adjudicate and there was a provision that their order would be final and would not be open to be questioned in any court, then, the order took effect after it had been published in the Gazette. Now, there is only one judge to adjudicate and there is a provision, here, in the Bill that this order would be appealable to a High Court; when all this has been done, it has been said that this order would take effect immediately and there would be no time-lag at all. This is highly objectionable, so far as I could see.

Great stress was laid on the fact that one return of election expenses should be filed only when an election petition has been filed. It was stressed very much by my hon. friend, Pandit Thakur Das Bhargava. I should rather excuse myself for my impertinence in disagreeing with him so far as this is concerned. We have provided that there shall be a ceiling. If there is a ceiling then the return ought to be filed; otherwise, there is no meaning in having a ceiling. When those returns are filed, they should certainly conform to the ceiling, the expenses should be within the ceiling. The other party should have the opportunity to see that really those limits have not been exceeded. It is said that there is no use for those returns unless an election petition is filed.

It was also argued that the man who wants to file a petition should not go and inspect those returns and then make up the grounds of his attack. Why should he not? If our law provides that there should be a ceiling, if we have enacted that the return should be filed and if it comes to the knowledge of the intending petitioner that the accounts have been fictitiously lowered, then, why should he not take up those grounds in his petition and why should he not have an opportunity of going into the accounts and see for himself that the limit has not been conformed to? He is perfectly justified and this opportunity should be given to him to pick up holes in that return. In my estimate, it is right that it is retained there. This ought to be so. This is all I have to say.

Shri Pataskar : Sir, I will not go into the details of the criticisms, which were also made at the time of the third reading. I have had occasion to express my view with respect to some matters on which there seems to be some difference of opinion in certain quarters. I would say, it is inevitable in a matter of this importance that people cannot be unanimous. But, I would rather look at the problem from a different point of view.

As I said when I first made a motion to refer the Bill to a Select Committee, we do not look upon this matter as a matter of concern to a particular party alone, whether it is in power or whether it is in the opposition. It is in the interests of the country as a whole that we should make all possible efforts to see that there are free and fair elections which form the basis of what we are calling the parliamentary democracy.

[Shri Pataskar]

I am glad that, barring certain observations here and there, this Bill has been the result of co-operative effort on the part of all sections of this House. Unfortunately, there are certain inherent defects. For instance, our democracy is the parliamentary type of democracy and has its roots, as I said in detail on the last occasion, in certain things which were introduced in our country, when it was not free. So, there might be some notions which cling to some people in spite of the fact that there has been a revolutionary change on account of the attainment of independence. We have, therefore, to look at this problem by and large from the achievements which we have made and try to look to the experience we have had and do what we could, under the present circumstances, to improve this matter.

A law of this nature could not be perfect. There can never be any law in which there will be 100 per cent. agreement among the Members. Even in those countries where parliamentary democracy has been functioning for several centuries, it is a growth out of the experience gained from time to time. It is from that point of view that I am glad that whatever ultimate differences might have manifested themselves, the whole problem was examined in the Select Committee and also at the time of consideration by this House. I would ask those hon. Members who felt that the point of view which they represented has not been accepted not to chagrin at it but to rather look at it as a thing which is inherent in the solution of a problem of this nature.

Shri Kamath: By and by.

Shri Pataskar: I would say that our first experiment with democracy, where we have extended adult franchise has been almost a success. I think that those who prophesied that an experiment of this nature with adult franchise and with such a vast population—because there is no democracy in the world where the people entitled to vote is on such a large scale—would not work or function properly, if they dispassionately consider this matter, I am sure, would come to the conclusion that those prophesies have turned not true. I am proud of that but it is the genius of our people that has been responsible for this. This parliamentary democracy on such a vast scale has succeded by and large and it has enabled the nation —whatever the differences might be— to go ahead in matters social and economic. The credit does not go to Government alone but the credit goes to the people as a whole and that is the test by which we have been judged, whether the parliamentary type of democracy which we have established is or is not successful.

Another factor is whether we are really utilising all the experience which we gained at the time of the last general elections. I am convinced, that except on 4 or 5 points on which difference is expressed, probably, we have tried to benefit by all the errors and mistakes. Whatever suggestions had to be made by the Election Commission have been seriously taken into account and an attempt has been made in this Bill to improve upon the quality of our elections. If I may say so, it is not from the point of view of criticising anybody, we have also inherited some disabilities. It is the essence of parliamentary democracy that there should be a democratic opposition which is as powerful and has as good status as the party in power. Unfortunately, it is to be developed. We cannot suddenly create it out of the past. But, I am glad that even those Members who belong to a party—or rather who borrow their ideas from an institution, which is not a democracy—it is more or less a dictatorship, may be of the masses or anything else—even in this country gradually are beginning to realise that after all the genius of the country comes only in a democratic form of government. Apart from other criticisms, when my friend, Shri Gopalan, said that "this ought to be done in the name of Parliament", I was glad that the follower of a system, which is of the nature of a proletariat dictatorship, has come to realise that after all everything ought to be done in this way, in a democractic way.....

Shri A. K. Gopalan: Show it in practice.

Shri Pataskar: He may not have agreed to all these views but still there has to be some change in his mentality and in my mentality, and I am glad that things are improving, because they are the principal party in the opposition. I see very good signs and all those friends of mine are not thinking of proletariat dictatorship but how to make parliamentary democracy successful. I am really glad for this sincerity on their part and for the change that has come over them. After all, every country has to develop in its own way.

Similarly, there is another trouble. After all, we have passed, in the history of Independence, through a process where communalism was encouraged. As I stated yesterday, we suffered heavily on that account; our country was divided. Therefore, we want to write another chapter. Naturally, old things cannot leave us all at once. I see now some good signs; people are really moving towards one thing; after these five or seven years I find that everyone in this House, whatever his views or differences may be, is concentrating his mind on one thing, namely, that there shall be a good parliamentary democracy based on free and fair elections.....

Shri A. K. Gopalan: What has that to do with election expenses etc.?

Shri Pataskar: That is the spirit which has now caught them up and I really thank them from the bottom of my heart —even those people who may have offered comments, some of which may be bitter. After all, one thing that strikes me very much is that they all have come together to defend and try to improve in their own way—although there might be some differences.

Shri A. K. Gopalan: Will the hon. Minister kindly answer to certain things mentioned by us? What has all this thing to do with the election expenses and other points that we have raised. There is no need to say all this.

Shri Pataskar: My answer to those questions was given not once, not twice, but thrice.

Shri A. K. Gopalan: There are certain things which were stated by us about the rules and other things. Please answer them.

Shri Pataskar: There is a certain procedure, and I cannot go on repeating the same argument which I have made to all those points. None of them is new; not a single point is new.

Shri A. K. Gopalan: Then the hon. Minister need not have spoken at all now.

Shri Pataskar: But I will not say that I reject them; I will say that I cannot accept them.

Shri Kamath: Neither rejection nor acceptance.

Shri Pataskar: There has been a good deal of criticism with respect to the question of moral turpitude and all that. I have already dealt with that, and I do not know what else I can add to it. I may say that the Election Commission has never wavered to remove any disqualification on certain grounds where probably there was no moral turpitude. But I still maintain, and hon. Members will remember, that it is not the desire that if a man is convicted for two years for conducting or offering satyagraha in Bombay or somewhere else or for participating in a workers' strike in Calcutta and so on, he should be penalised. But the difficulty is, as I have said, that our ideas of moral turpitude change from time to time.

I would say one thing in this connection. Some hon. friends thought about this. What is this disloyalty to the State? Is it disloyalty to the Government? Certainly not. Disloyalty to the State is a certain, definite, positive thing. I think every Indian loyal citizen rightly knows what it is. It may take various forms. By and large, it is a term which is capable of being misused by somebody or has been misused in free India. Of course, there may have been hardships caused to some people by detention and other things; they are entirely alien to the country.

My friend says that I do not reply to the points raised. What can I reply to my friend, Shri Kamath who says that this is a "420 Government"?

Shri Kamath: I said that people will say that.

Shri Pataskar: How can I give a reply to a charge like this when I deal with the election law? I even thought about this proletariat dictatorship. It is not right that we should go on raising objections to new words being invented, which will enrich us.

Shri Kamath: You will hear it in the country, during your mass contact tours.

Shri Pataskar: The repetition here is made for the purpose of the country. I believe more in good human nature outside also.

Shri Kamath: Let us hope so.

Shri Pataskar: I have been asked a very curious thing. Yesterday, I took great pains to explain the significance of section 77. I made it perfectly clear what was the intention and purpose with which clause (4) was put in there—not by me but by the Select Committee which consisted of members of all sections. As a matter of fact, I then stated that to my mind clause (4) of this section had nothing in addition to section 77(1), but it only made the position clear so that people may know it easily. It was more for the purpose of making

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clear the basis of section 77 that it is stated that party expenditure generally, which is incurred for propaganda and other things, is not expected to be shown there. There are certain difficulties, and I explained it once, twice and even thrice. But I find it is like the famous knight who fought the windmill thinking that it was a demon. It was only a windmill, a useful thing. That clause really gave some indication as to what was sought to be done. It was more honest to have kept it, because we want that these expenses, which are generally incurred by a party, need not be shown. Some thought that this windmill which was put in there, was a demon and they waged a war against it. I also said, why not leave it out. Now we have left it out. Having done that, there are some people who are at pains to think, what has happened. Nothing has happened. You wanted that it should not be there. In a democratic country, it is the duty of the Government to respond to the opposition's view also.

Shri Kamath: We are not sorry.

Shri Pataskar: I readily showed that response by consenting to drop out that particular clause. If there are apprehensions which can be removed readily, I would accept such suggestion. Even if it is removed, do not go by the letter of the law, but look to the spirit behind it. That is very difficult because hon. Members like Shri Chatterjee will tell you that whenever you pass a law, you have to see how that law will be carried out in a court of law. You say, do not go by the letter that we have put there, but by the substance contained in it....

Shri Kamath: Letter and spirit, not letter only.

Shri Pataskar: That is very difficult, because one man might think that this is the spirit, another may think that that is the spirit and it will lead to complications. What is the object of a legislation? Whatever ideas we have got have to be put in rightly and expressed in clear words. We know that words have different meanings in different contexts, and that is a science by itself. Originally we put it in a clear and specific form, but because some people thought "Do not go by the letter but go by the spirit".....

Shri Kamath: We are quite happy that you dropped it.

Shri Pataskar: When Government has now agreed to it, some other people say that they fail to understand what the spirit behind it is. They thought that they were fighting and killing a demon as the knight in that famous book who thought that he was fighting a demon while warring with a windmill and ultimately realised that it was not a demon at all. However, that is a different matter. In spite of all we do, opposition is bound to be there. There have been criticisms of the Ministers and their ways and all these things. This is the occasion for it. In spite of all these, I believe that the hon. Members of this House have made the election law more simple and more in tune with the spirit underlying what we wanted in the matter of holding fair and free elections. I may say, in spite of the criticisms, that every section of this House has tried to do its best. But of course when the matter of election comes, party feelings are bound to be there. But, so far as the present Bill is concerned, I think we should try to look at it from a different point of view.

My hon. friend Shri Kamath asked. Why not make this law applicable to Jammu and Kashmir? After all, I am the Minister of Legal Affairs. I cannot override the Constitution and do all manner of things. The President's order by which we have been given the power to make laws specifically says that articles 325, 326, 327, 328 and 329 shall be omitted. We are passing this law under the powers that are given to us by the Constitution in article 327. I explained yesterday that the Election Commission has, very rightly, been made an independent authority under the Constitution. The Constitution gives us certain powers to legislate under article 327. If that article is omitted from this order, it is not for me to do anything in this legislature to make it applicable to Jammu and Kashmir.

Let us take the larger question. There are differences in our outlook and in our patience with regard to the solution of the problem. But, I am glad that there is a trend in this House and even those who at one time thought that we were not doing as much as we should are inclined to think that everything that is possible is being done to solve this question once and for all, to the satisfaction of all concerned. The time will not be distant when such criticisms, as we had occasion to hear in this House, will not be heard. That is what I can say at the moment.

Shri Kamath: Is it not possible to enlarge the scope of the President's order?

Shri Pataskar: Not at this stage. This is not the suitable time when we should do all these things.

Lastly, I thank all the Members of this House including the Opposition and those who had to differ from the provisions and whose views I was unable to accept. Ultimately, I may say that with patience it will be realised that by enacting this legislation we have—every section of this House—contributed to make it a better and more effective law from the ideal of parliamentary democracy based on free and fair elections which we want to have.

Shri Kamath: When will the rules be laid before Parliament?

Shri Pataskar: As soon as they are framed.

Shri Kamath: Before the next session?

Shri Pataskar: I will see that they are framed early; there is no going back upon that.

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

LIFE INSURANCE CORPORATION BILL

The Minister of Finance (Shri C. D. Deshmukh): I beg to move:

"That the Bill to provide for the nationalisation of life insurance business in India by transferring all such business to a Corporation established for the purpose and to provide for the regulation and control of the business of the Corporation and for matters connected therewith or incidental thereto, as reported by the Select Committee, be taken into consideration."

The House has already discussed generally the Bill to provide for the nationalisation of the life insurance business and at that stage I explained in detail the reasons which prompted the Government to undertake the nationalisation. We are now concerned with the machinery to work successfully this scheme and the Bill before the House deals with this question. I shall now refer briefly to the amendments which have been introduced in the Bill by the Select Committee.

The first change which is of some consequence is the one in clause 6(2)(d). During the course of the discussion on the Emergency Provisions Bill, I had referred to the difficulties which we envisaged in the way of the Corporation carrying on the business outside India. I have mentioned that the Corporation may have to transfer the foreign business to others. The change now made, that is, the addition of the words 'or persons' makes it clear that the transfer of business, if such a course is decided upon, will not be all to one company. We shall consider carefully the request of any existing company to be allowed to carry on life business outside India and where we are satisfied that the company in question has the means and the volume of business sufficient to give a good chance of carrying on the business successfully outside the country, we shall readily give the necessary permission and at the least transfer its own foreign life business to it.

The next change is in clause 8. Though one might get the impression that an important change had been made, the change itself is really minor. It is a redraft to bring out more clearly our intention that all provident funds, etc. established by individual insurers shall vest in the Corporation and the Corporation shall, in due course, set up some trusts for the benefit of its employees.

There is a change in clause 11 which is merely clarificatory. The explanation makes it clear that the compensation paid to the employee for termination of service will be in addition to any rights which he may have earned under his contracted service.

I next turn to clause 12. By clause 36 introduced by the Select Committee, the contracts of chief agents are being terminated. I shall deal with the reasons for that provision in due course. Now, clause 12 provides for the absorption in the Corporation of the staff of the chief agents. Strictly speaking, the employees of the chief agents are not employees of the insurance company. It was Government's intention to give every reasonable consideration, short of an assurance of the kind given to the whole-time employees of the insurance business. The Select Committee was

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quite understandably anxious that the elimination of chief agents should not result in genuine whole-time employees being thrown out of employment and provided that this intention of the Government should be put on a formal basis. At the same time they felt that care should be taken to ensure that any concession given was not misused to saddle the Corporation with payments to persons who were not genuine whole-time employees at all. It is easy enough to check whether a particular person employed by the insurance companies is really a whole-time employee. The same does not hold good in the case of persons employed by the chief agents. It was for this reason that it was considered necessary to lay down certain criteria for absorbing this category of staff. These criteria would help to sort out persons genuinely dependent entirely on insurance in the same manner as direct employees of insurance companies.

Some major changes have been made in clause 15, which entitles the Corporation to seek relief in respect of certain transactions. One change is that transactions dating back to five years can now be reopened instead of two years. There was a wide divergence of opinion on this question. Some Members thought that in the interests of policyholders we should be able to go back to ten years, while others felt that since these provisions are only supplementary to reliefs available under several laws, the period of two years provided in the Bill was ample. Five years was adopted as a compromise.

The other change in this clause relates to the persons who are entitled to seek relief. In the Bill as introduced, only the Corporation was given this right. It was felt by some Members of the Committee that should someone other than the Corporation also be aggrieved on any of the points in question, that person should also have the right of seeking relief from the Tribunal. Although it is our view that there is no real issue of unfairness or difficulty to anyone genuinely aggrieved, we, as Government, have no objection even though there is involved a measure of risk of harassment at the hands of unscrupulous persons.

The next important change occurs in clause 18. The bill, as introduced, provided that to start with the Corporation should have four zones, the Select Committee thought that, after taking all aspects into consideration, the better arrangement would be to have five zones, with the fifth zone having its headquarters at Kanpur. It is difficult to define in terms of States the areas that will be covered by each zone in view of the impending reorganisation of States. If it is permissible, however, to draw somewhat upon the picture as it will be after reorganisation, if the proposals go through, the areas in each zone could be as follows: Northern Zone with headquarters at Delhi and the area might be, Delhi, the proposed now States of Punjab, Rajasthan, Himachal Pradesh and Jammu and Kashmir; Central Zone with headquarters at Kanpur and the area will be Uttar Pradesh and the proposed new Madhya Pradesh; Eastern Zone with headquarters at Calcutta and the area will be Bengal, Assam, Bihar, Orissa, Manipur, Tripura and Andaman Islands; Southern Zone with headquarters at Madras and the area will be the proposed new States of Andhra—that is to say, including Telangana—Madras, Kerala and Mysore; and, then, the Western Zone would have its headquarters at Bombay and the area might be the present State of Bombay minus the areas comprised in the new Mysore plus the additional areas that may become part of the proposed new States of Maharashtra and Gujarat—that is to say, Marattawad, Maha Vidarbha, Saurashtra and Kutch.

I now come to clause 19. The change made is really a minor one though the line side-lined makes it appear otherwise. It was always our intention that the Corporation should constitute an Investment Committee for the purpose of advising it in matters of investment. Clause 17(3) of the Bill, as it stood, did permit the constitution of such a committee, but, in view of the importance of the Investment Committee, the Select Committee thought it advisable that a specific provision should be made in the Bill itself for the constitution of the Committee and also for its composition. Sub-clause (2) of this clause—that is, of clause 19—makes the necessary provision.

The other change is that the Corporation is empowered to have more than one Managing Director. This is dealt with in clause 20.

Next is clause 21. The change made there is that any direction given by the Central Government shall be in writing. Personally, I feel that such a provision was not really needed since all directions given by the Government would naturally be in writing.

A new important provision is sub-clause (3) of clause 22. We felt that there should be a committee in each zone to promote friendly relations between the Corporation on the one hand and its employees and agents on the other. This idea is borrowed from the Airlines Corporation Act, where such committees have proved very useful. It will be seen that representation on the committee has been given to agents as a class. In a life insurance organisation the agency force has a special importance and value. By having them also on the committee, we shall not only be giving representation to all sections of the business, but also promoting a feeling among all of them that they are all working for a common goal, that is, in the success of the Corporation. It is our earnest hope that these committees would greatly help in the smooth working of the Corporation and contribute their share in making nationalisation a success.

Four of the minutes of dissent appended to the report of the Select Committee have raised the question in relation to clause 25, with which I will deal next, regarding the audit of the accounts of the Corporation by the Comptroller and Auditor-General. This has also figured during Question Hour in this House and, I think, as a result of that, Members are aware of the stand taken by Government in this matter. However, as it is an important question, I wish to say a few words about it on the present occasion.

Under article 149 of the Constitution, it is laid down that "The Comptroller and Auditor-General shall perform such duties and exercise such powers in relation to the accounts of the Union and of the States and of any other authority or body as may be prescribed by or under any law made by Parliament....." The accounts of the Corporation will be separate from the Union Government's accounts as it will be an autonomous body, and as yet no law has been made by Parliament prescribing that the audit of accounts of autonomous bodies will be performed by the Comptroller and Auditor-General even where Government is financially interested in them.

Shri Sadhan Gupta (Calcutta South-East): What about the Air Corporation Act?

Shri C. D. Deshmukh: That is a separate law made by the Parliament itself.

Shri Velayudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): We can also make the same law here.

Shri C. D. Deshmukh: No general law has been made. We are considering one particular legislation now, just as the Air Corporation Act or, just as the Act about the nationalisation of the Imperial Bank—the State Bank.

I have no desire to take refuge behind legal formalities. I mention this only to clear misapprehension which seem to exist in some quarters that such audit by the Comptroller and Auditor-General is almost a constitutional necessity. The Government have devoted very careful attention to this subject and, let me at once make it clear, that they are ever willing, in fact anxious, to associate the Comptroller and Auditor-General, to the maximum extent possible or advisable, with the financial working of State undertakings. Accordingly, the Comptroller and Auditor-General has been entrusted with the audit of accounts of authorities who function more or less under Government conditions—for instance, the Damodar Valley Corporation, the Industrial Finance Corporation or the Airlines Corporation—and also of Government sponsored companies with whose transactions the staff of the Comptroller and Auditor-General are likely to be familiar. But, where important commercial considerations are involved, like the State Bank or the Insurance Corporation, since Government officers lack experience of the work in such enterprises, Government would not like the success of these recently nationalised ventures to be jeopardised by some violent change in the system. Such institutions cannot be run without the exercise of a large measure of discretion by the higher executives, and any system which makes it possible for audit to raise objections to the exercise of such discretion is bound to paralyse their working. Undertakings like the Insurance Corporation are basically different from Government's ordinary business and until we have had some experience of their working, it seems to us to be best to maintain the *status quo*. I may explain also that the provision suggested in clause 25 does not affect the accountability to Parliament of the Corporation.

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Clause 29 requires the report of the auditors to be placed before Parliament and when this is done, the House will be able to discuss the report fully and freely.

It would perhaps be useful in this connection to refer to the practice in similar matters in the United Kingdom, as we have generally been following the United Kingdom in these respects. That country has a fairly large public sector in industry and also a Comptroller and Auditor-General who is independent of the executive as we have here. But so far as we know, the Comptroller and Auditor-General in the United Kingdom does not audit the accounts of the nationalised concerns, nor has he claimed any inherent right to audit them. A Select Committee in the United Kingdom went into this question of the Comptroller and Auditor-General's responsibility for the audit of nationalised undertakings and decided against it for much the same reasons as I have indicated earlier.

Shri B. S. Murthy (Eluru): Why not we take a different step?

Mr. Speaker: The hon. Minister has given his opinion. It is for the Government and the House to take up the question.

Shri C. D. Deshmukh: At no stage however did anyone contend that the accountability of these concerns was diminished for that reason. A practical consideration against providing for audit by or in consultation with the Comptroller and Auditor-General who, I should state here, is of the view that he should be associated with the audit of such concerns, is that he is very short of senior staff. Extensions have repeatedly to be given to his superannuated officers. That is all that I have to say at the moment on this important point.

Shri Velayudhan *rose—*

Shri C. D. Deshmukh: The hon. Members will have plenty of opportunity for either making observations or putting questions.

The changes made in clause 27 and clause 29, to which I come next, are minor ones. Clause 27 provides that the Corporation shall prepare annually a report on its working. Clause 29 provides that this report, as well as the report of the actuaries prepared under clause 26, shall be laid before both Houses.

I now deal with clause 31 which has been newly inserted. This clause is corollary to clause 6(2)(d) which empowers the Corporation to transfer the whole or any part of its foreign business to others. Naturally, the companies taking over the foreign business of the Corporation would like to transact new business in those countries. Clause 31(1) empowers the Central Government to permit this. Members may be somewhat intrigued by the actual phraseology employed authorising the insurers to carry on life insurance business in India in respect of the lives of persons ordinarily resident outside India. The legal opinion is that since the head office is deemed to be in India the companies would be deemed to carry on business in India also notwithstanding the fact that the operations are confined to territories outside India. Hence this special provision in clause 31(1).

Sub-clause (2) of clause 31 is necessitated by the phraseology employed in sub-clause (1). This makes it clear that any permission given under sub-clause (1) will not entitle the insurers concerned to continue policies on the lives of persons temporarily resident in India even though they may be ordinarily resident outside.

Next, I come to clause 34. That is also a new addition. Section 6A of the Insurance Act requires all shareholders of companies carrying on life insurance business, that is, both life and composite companies, to reduce their holdings to 10 per cent. of the paid-up capital of the insurance company concerned. The share-holders were given time till 1st June, 1953, to effect reduction. On that date, all holdings in excess of that limit vested in the Administrator General of the State concerned. The object of this provision of the Insurance Act, which did not apply to purely non-life insurance companies, was to ensure that no one person was able to dominate the affairs of such an insurance company carrying on life insurance business. Not all the holders were able to dispose of their excess holdings and many shares vested in the various Administrators General. Some of the shares so vested have since been disposed of by them in accordance with the provisions of the insurance rules, and the sale proceeds handed over to the original shareholders, but there are still some shares undisposed of. After nationalisation all

companies would have become purely non-life companies and there is therefore no question of any one dominating a life insurance company. The excess shares still undisposed of could, therefore, safely go back to the original shareholders without any harm to public interest. It is, therefore, proposed by this amendment in clause 34 that these shares should revest in the original shareholders. The Administrator-General would of course be entitled to deduct any expense he might have incurred.

The next change relates to clause 35 which concerns with repatriation of assets and liabilities in the case of foreign insurers. The change made by the Select Committee is of a minor character and is intended to expedite the work of repatriation. In the Bill as introduced, the relative clause provided for the Corporation being 'divested' of certain assets and liabilities. One can be divested of something only if it is first vested in him. That means, the repatriation of the 'excess assets' and sterling policies and assets will have to wait till the 'appointed day', as only on that date the assets and liabilities of the various insurers would vest in the Corporation. Now, there is no real reason why this matter should be delayed till that date. In fact, it would be convenient from the point of view of every one concerned if the work of repatriation could be taken in hand as soon as the Bill is passed. The amendment, therefore, empowers the Central Government to effect the repatriation both before and after the appointed day.

Then I come to clause 36 which again is a new addition. It provides for the termination of the contract of chief agents and special agents. Some of the insurance companies, mostly the smaller ones, were operating through chief agents in respect of branches. In terms of the Insurance Act, the chief agents were required to be given exclusive jurisdiction over areas not smaller than a district. Some of them had entire States allotted to them. Whatever view might be taken of the wisdom or otherwise of this type of organisation, I should say that even before nationalisation, many of the bigger insurance companies were changing over from the chief agency system to the branch system. I think there can be no two opinions but that chief agents can have no place in the new set-up. The Corporation cannot afford to leave the responsibility of development to persons over whom it can have no real control. In fact, there was complete unanimity on this point. Even the chief agents who gave evidence before the Select Committee, to my mind, did not seriously urge their own continuation. For similar reasons, special agents who were also remunerated by commission will have to be replaced by inspectors on a salary basis. The compensation payable to these persons is dealt with in the Third Schedule.

2 P.M.

The next change, if it can be called a change at all, occurs in clause 37, The clause, as amended, provides that payment to policyholders should be made in cash. There was a report current saying now that the business has been taken over by the Government payments will be made in bonds. Apparently this report has received such wide circulation that to counter it, the Select Committee thought it necessary to make a formal provision that payments will be in cash.

The change in clause 40 enhances the penalty for withholding the property or books of the Corporation from six months to one year.

I now turn to clause 43 which relates to the application of the Insurance Act to the Corporation. I propose to deal with it at some length, as there appears to be a good deal of confusion of thought on this subject. We do recognise that in the interests of everyone, including the Corporation itself, there should be external control over the affairs of the Corporation, in addition to any internal checks it might adopt. We also recognise that the Insurance Act is a well thought out piece of legislation and that many of its provisions could, with advantage, be applied to the Corporation. At the same time, we should not lose sight of the fact that a great change has occurred in the life insurance field by the replacement of the 160 and odd companies for whom the Act was intended by a single mammoth Government-owned Corporation. We thought the best course would be to examine each provision of the Insurance Act from the point of view of its utility in the changed conditions and apply only those sections which could be applied with any real advantage. Our examination showed that there were some sections which could be made applicable to the Corporation without any modification. There were a few others which

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were equally salutary, but which required modification before they could be applied; the remaining were either inapplicable or unnecessary under the changed circumstances. Clause 43, therefore, lays down which of the sections would be applicable *in toto* and which would apply in a modified form. I may point out that all notifications issued under this clause have to be laid before both Houses of Parliament. Some Members have suggested in their minutes of dissent that certain sections, which are among those left out, should be made applicable to the Corporation. For instance, one is section 40B which limits the expenses which an insurance company may lawfully incur. With the principle itself, namely, that the Corporation must be economically managed, there can be no quarrel. If we have thought it unnecessary formally to apply the provisions of section 40B to the Corporation, it is because we are confident that the question of the Corporation exceeding the limits laid down in the insurance rules could never arise. Even now many of the bigger insurance companies have a renewal expense ratio of less than 15 per cent., which is the maximum prescribed under the rules. The Corporation should certainly be able to keep its renewal expense ratio at a much lower figure than this 15 per cent. which incidentlly is rather a high limit. If, for any reason, the Corporation is unable to do this and the expense ratio does go up, I have little doubt that there will be a spate of questions in the Parliament and there will be ample opportunities for the Parliament to look into this question. Therefore, what else can be the purpose of a clause like this? Its absence will not, and indeed cannot, have the effect of encouraging the Corporation into extravagance. In fact, I would have promised an immediate reduction in the expense ratio but for one difficulty. The Corporation will not really need the large number of employees it would be inheriting from the various insurance companies. By retrenching the superfluous staff, the Corporation could bring down the expense ratio straightaway without the least loss of efficiency. But, I am aware how anxious Members are that nationalisation should not result in unemployment and it was for this reason that I had given a categorical assurance that there would be no retrenchment. The best solution is to expand the business and thus find real work for all. We are confident that we shall be able to do so in due course. But, till the business is increased, the reduction in the expensed ratio cannot be obviously as rapid as we would wish. While we shall be denied the benefit of integration for the time being, we shall have inevitably to incur additional expenditure made inevitable by the reorganisation of the offices which is attended by the movement of offices from one building to another, from one place, town, district and State to another place, town, district and State.

Another strongly pressed suggestion is that the provisions of the Insurance Act relating to investment, namely section 27A, section 29 and section 30, should also be applied. Here also, the reason for not applying them is the same, namely, that they appear to be needless. These provisions which incorporate some of the well-known cannons of investment were enacted to prevent the management from misusing the policyholders' money to benefit themselves. In terms of the Bill, the investments are to be made under the guidance of a high-powered investment committee. There is the further safeguard that the Central Government have the right to give directions to the Corporation in the matter of investment. It is, therefore, inconceivable that any wrong policy could be followed by the Corporation. I trust hon. Members will agree that whenever we have made any portion of the Insurance Act inapplicable to the new Corporation, it has been for good and compelling reasons.

Now, I return to the Life Insurance Corporation Bill. I shall take first subclause (f) of clause 44 of the Bill, as amended by the Select Committee. This sub-clause allows a State Government to continue any existing scheme of compulsory life insurance of its employees or to introduce such a scheme hereafter. The change made from the original provision gives every State Government an opportunity of introducing a compulsory scheme of life insurance for its employees, if it so wishes, instead of giving that right only to such of the State Governments as had already introduced such a scheme.

I proceed now to clause 44A and clause 45. These I will take together, as they deal with the same matter. On account of serious mismanagement including in some cases misappropriation on a large scale, Government have to appoint administrators to certain insurers

under section 52A of the Insurance Act. The provisions of section 52A apply only to companies carrying on life insurance business either alone or in conjunction with other classes of business. Therefore, in the absence of any special provision, on the appointed day, when the entire life insurance business vests in the Corporation, the administrators would become *functus officio*. This would not cause any difficulty in the case of purely life companies, as all the assets vest in the Corporation and the records etc. would also pass on to the Corporation. In the case of composite insurers, however, the cessation of management by administrators under section 52A would cause serious difficulties. The companies will go back to the very people from whom they were rescued. In the case of one composite company, even the question whether that management had any real title to the shares which were shown in the names in the book is itself in doubt. In fact, it is a subject-matter of both criminal and civil proceedings. It was, therefore, thought advisable from the point of view of everyone that administration under section 52A should be continued for some time to enable those proceedings to be brought to a conclusion. These two clauses provide that the life business of composite companies shall not vest in the Corporation on the appointed day, but would be later transferred to it by the administrators under a scheme.

Next I will deal with clause 48, which relates to the rule-making power. The changes are not important except one in sub-clause (3) which provides that all rules made under this Act are to be laid before both Houses of Parliament and will be subject to such modifications that Parliament may make during the session in which they are so laid or the session immediately following.

That leaves now the Schedules. I shall first take Schedule I which deals with the principles for determining compensation. While moving for reference of the Bill to the Select Committee, I had explained at length these principles. I need recapitulate them only briefly before indicating the changes made by the Select Committee.

Part A of the Schedule deals with proprietary companies which had distributable surpluses, part B with other proprietary companies and part C with mutuals, co-operatives and unregistered bodies. Part A is by far the most important as the companies claiming compensation under this Part account for the bulk of the business done in the country and therefore of the compensation. Briefly, the compensation payable under this Part is twenty times the average annual allocation to the shareholders at the last two actuarial valuations. The allocations taken into account are in each case subject to a maximum of five per cent. of the surpluses and a minimum of three per cent. as the Bill stood when it went to the Select Committee. An alternative basis was also provided in terms of which the companies can claim instead half the above, amount that is ten times the average annual surplus plus the right to retain the paid up capital. These were proposed in the Bill as introduced. I shall now explain the changes made by the Select Committee in this Part.

The first change is regarding the criterion for being placed under this part, that is A. In the Bill as introduced, it was provided that the insurance company should have allocated a part of the surplus to the shareholders. It was noticed that some companies, both Indian and foreign had distributed their entire surplus to the policy-holders. Obviously such insurers should not be penalised for their progressive spirit. It was for this reason that the Select Committee changed the criterion from allocation of the whole or any part of the surplus to the shareholders to allocation of the whole or any part of the surplus to the policyholders.

The second change, which is more basic and important, is intended to allow for growth in business. During the earlier debate I had mentioned that representations had been received that while the broad approach to the question of compensation was equitable, some change was necessary to ensure equity *inter se*, that is, as between the different groups of surplus companies. As I mentioned earlier, compensation was based on the results of the last two statutory valuations. But some companies have their last valuation as at 31st December 1954 while others had valued as at 31st December 1953 or in some cases earlier. Those companies which had their last valuation as at 31st December 1954, had an advantage over the others as normally business expands with time. This advantage was significant as business increased sharply

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during the years 1954 and 1955. Therefore, a suggestion was made that compensation should be based on a standard period applicable uniformly to all insurers and also that the standard period should include 1955, the last completed calendar year. I had indicated that I had a good deal of sympathy with this point of view. This suggestion is being met by the change effected by the Select Committee. In the Bill as revised, the compensation payable is the compensation payable under the Bill as introduced multiplied by the ratio the average sum assured during the years 1950-55 bears to the average sum assured in force during the inter-valuation periods taken into account for calculating compensation. It sounds rather complicated. But, in other words, the effect of the change is that compensation is increased proportionately to the increase in business.

The third change relates to Explanation 2. In the Bill as originally introduced the minimum percentage of surplus deemed to have been allocated was three. It was felt that this minimum was too little and penalised the shareholders of those companies which have taken an enlightened view of their responsibilities and allocated a small proportion of the surplus to the shareholders. As a concession to this point of view, three per cent. has been increased to three and a half.

There was one other change which, however, relates to foreign insurers. In the Bill as introduced, the compensation payable to foreign insurers was on the basis of only those valuations of their Indian business as were made at the same time as the valuation of their world business. It was represented that these valuations in some cases took them too far back and was, therefore, unjust. It was therefore decided that in their case also, the compensation should be based on the statutory valuation of the Indian business irrespective of whether the valuation of the world business was conducted at the same date or not. But, this has introduced a difficulty. It is not the practice of foreign insurers to make any allocation of surplus at the time of the valuation of only a part of their total business, particularly where, as it happens in the case of Indian business, that part is a very small one indeed. We have therefore evolved a method which would give us a figure which may be deemed to represent the shareholders' share of the Indian surplus. We assume that the proportion of the Indian surplus deemed to be allocated was the same as the proportion of world surplus allocated to the shareholders. This, I hope the House will agree, is fair. Of course, these proportions are subject to the minimum of 3½ per cent. and the maximum of 5 per cent.

Now, I proceed to Part B. Companies coming under this part would be mostly companies in deficit, that is, where the life assurance funds are less than the liabilities to policy-holders. We would merely be returning the excess of the assets over liabilities. The change made in the opening para is a purely verbal one and needs no comment. The next change relates to para. 3(b). In the Bill as introduced, the shares, securities or other investments were to be valued at the market value or the purchase price, whichever is less. By the deletion of the words 'or the purchase price whichever is less', the Select Committee has provided that these assets also will be valued at their market value. The change made follows actuarial principles and in fact I should not think it necessary to refer to this change but for the fact that there is a minute of dissent on this subject. Insistence on valuing any assets at market value or purchase price whichever is less is something unknown in insurance. All that the Insurance Act (Clauses (a) and (b) of Regulation 7 of Part I of the First Schedule) requires is that every balance-sheet submitted under the Act should be accompanied by a certificate that all assets are known at amounts not exceeding their market value. Insurance companies have in the past been freely taking credit for appreciations and there has been no suggestion that an insurance company has been imprudent merely because appreciations are taken credit for. Market price wherever ascertainable would be a fairer basis for evaluating them than purchase price which might well have no relation whatever to its real value: it may easily be too low and may conceivably be too high. The only merit of the purchase price probably would be its definiteness. On the whole it seems fairer to accept market price as the basis even though it will mean a little more trouble in calculation.

Incidentally, companies coming under this Part are the last ones in respect of whom we should make a departure from established principles. The vast majority of the companies coming under this Part would be those in deficit and the 'compensation' would therefore be, in all probability, less than even the paid up capital. There is no need to add to the losses already incurred by the unfortunate shareholders.

The next change is in clause (e) which rectifies an omission. "Outstanding premiums within the days of grace" —that is the phrase—as they are usually described, are taken into account as assets in all balance sheets and in fact, the form of the balance sheet prescribed in the Insurance Act specifically provides for that item.

I should deal perhaps with the Explanation to this Part also though it is only clarificatory in character. By this explanation we are making it clear that if certain excess assets had been refunded to foreign insurers under clause 35, these assets will not again be taken into account for purposes of calculating assets minus liabilities, or, in other words, the same amount would not have to be paid twice over. That is all I have to say in regard to Part B.

The change made in Part C is minor and clarificatory in nature. The compensation payable in the case of mutuals, co-operatives and unregistered bodies is a nominal one, a small bonus to the policyholders. Some co-operative societies do have a share capital, though no dividend or bonus is payable on it and we are therefore providing that the capital would be returned. That finishes the First Schedule.

I do not think I need take much time over the Second Schedule which deals with the calculation of policy liabilities for the purpose of determining excess assets in the case of foreign insurers. All the changes are clarificatory in nature except one in clause (b) of paragraph 1 which makes the method of calculation more stringent, *i.e.*, more favourable to the Corporation.

The last Schedule, *i.e.*, the third, deals with the principles for determining the compensation payable to the chief agents. In terms of the Insurance Act, the remuneration of the chief agents has to be by way of an over-riding commission on the premia received under their agencies. The whole of the over-riding commission cannot be deemed to be net remuneration as out of that commission the chief agents have to meet the expenses of running an office including payment of commission to special agents employed by them. The contracts of the chief agents too are for periods not exceeding ten years. After a careful consideration of the relevant factors Government felt that the chief agents would have a fair deal if they were paid 60 per cent. of the over-riding commission for eight years. The Select Committee, however, came to the conclusion that payment of compensation at 75 per cent. of the over-riding commission specified in the contract for a period of ten years would be juster. The special agents are more or less inspectors on a commission basis. They get an over-riding commission of 15 per cent. on the first year's premium but no renewals. The compensation proposed is one-eighth of their average earnings during the past few years.

This somewhat long but perhaps necessary recital of the changes made by the Select Committee and of the reasons therefor, concludes my observations and I move.

Mr. Speaker: Motion moved:

> "That the Bill to provide for the nationalisation of life insurance business in India by transferring all such business to a Corporation established for the purpose and to provide for the regulation and control of the business of the Corporation and for matters connected therewith or incidental thereto, as reported by the Select Committee, be taken into consideration."

Fifteen hours have been allotted. I would like to know from the hon. Members how much they would allot for general discussion and how much for the clauses and if they want any time for the third reading.

Shri Tulsidas (Mehsana West): Eight hours for the first reading.

Shri Bansal (Jhajjar-Rewari): Ten hours for general discussion because I do not think there are many amendments.

Mr. Speaker: The general discussion, I have been noticing, once again becomes clause by clause discussion. After it comes back from the Select Committee, what is the object of the general discussion?

Shri Velayudhan: No, no.

Mr. Speaker: Not that I am going to avoid general discussion altogether. Ultimately it comes to it that the clauses have to be amended and a number of amendments have to be discussed, and then I am asked to extend the time. Therefore, I will allow out of 15 hours, six hours for general discussion.

Some Hon. Members: This is too small.

Mr. Speaker: Excluding the time taken by the hon. Minister. But it will be included in the 15 hours. Six more hours from now for general discussion by hon. Members. He has taken about an hour. That means seven hours up to the end of the general discussion. We will have eight more hours out of which I will reserve one hour for the third reading. So, seven hours for clause by clause consideration.

Shri Bansal: The whole of Monday may be left for general discussion. That means six hours on that day and two hours today, so that we may have eight hours in all.

Mr. Speaker: The very same hon. Member will get up then and say "This is very important". I have had experience. In the other one also we went on for 2½ hours more. In addition to the time that has been already taken by the hon. Minister, six hours. Seven hours for clause by clause consideration, and one hour for the third reading.

Shri Velayudhan: In the meanwhile, may I submit that the speech delivered by the Finance Minister may be circulated to us?

Some Hon. Members: It should be circulated to us.

Mr. Speaker: Very well. It will be done. Leaders of groups will have 20 minutes, others will have 15 minutes.

Shri Tulsidas: Twenty minutes are not sufficient.

Mr. Speaker: Very well, it will be extended to half an hour in suitable cases.

Shri Tulsidas: This is a very important measure and the Select Committee has gone into it very thoroughly and has amended several clauses. The hon. Minister has now explained to us the different amendments made.

This piece of legislation seeks to mould life insurance business in this country in an entirely different manner. I do not want to take much time of the House on the question of nationalisation as that was discussed when the Life Insurance (Emergency Provisions) Bill was discussed here. At the time of discussion of that particular measure I had established with the support of facts and data that doctrinaire thinking had motivated Government to nationalise life insurance business in this country I also pointed out that the malpractices to which the Finance Minister generally refers were of a very insignificant character. He might consider the malpractices to be on a large scale, but if you see the actual facts, they come to not even 0·5 or 1·5 per cent. of the total funds that these companies are handing over to the Government.

[SHRI BARMAN *in the Chair*]

Whatever the reasons for these malpractices, I had pointed out when that Bill was being discussed that it was the failure of the control department and the administrative incompetence of the Government that were to be blamed for all the unfortunate events that happened in the recent past. Nationalisation of life insurance was, therefore, not founded on facts of large-scale malpractices to which even today the hon. Minister referred in his speech. But I am glad that he said at the time of introducing the Bill that there were also ideological considerations in nationalising this industry and that was the main reason why this industry has been nationalised. I am not going into the question of the merits of nationalisation. I would, therefore, confine my remarks to the provisions of this particular Bill. I have done that in my Minute of Dissent and I am sure hon. Members must have read it.

I may say that with this measure a State monopoly in the insurance business will be created which will have no parallel today in any part of the

world. As the Finance Minister said, a giant or mammoth corporation will be formed which will eliminate all elements of competition in this business and it will be entrusted with the task of looking after the interests of millions of policyholders who will vest with it their life savings. This corporation will have in its fund the savings of millions of policyholders. The Finance Minister has said several times that this corporation is expected to spread itself as fast as possible in every nook and corner of the country and carry the message of insurance to the common people. It is also expected that this nationalised industry will step up the tempo of small savings made by the small men, and will help in canalising the nation's resources for rapid economic development. I am also interested in seeing that the corporation develops into a mighty agency which will spread the message of life insurance and create the confidence amongst the people that this corporation functions in the interests of the policyholders, and that it would canalise the savings of the small man and will assist in accelerating the tempo of development.

But what do we find? The Select Committee has also made a change in clause 6 to the following effect.

> ".....the Corporation shall so exercise its powers under this Act as to secure that life insurance business is developed to the best advantage of the community."

I hope that the supremacy of the interests of the policyholders will be the chief aim of this corporation, and that their interests will not be overdominated by the other interests. For, I feel that the policyholder's interest is usually in the nature of a trust, and therefore the corporation has to function as a trustee for the savings of the people who have invested in this corporation by taking out insurance policies. The principle of trusteeship should be valid and applicable whether the insurance business is in private hands or in Government monopoly.

It is therefore to be regretted that this Bill does not contain any reference to the policyholders' interests, much less any provision to safeguard them. On the one hand, you are taking away the freedom of a person to insure with an insurer of his choice. On the other, you are also depriving him of his rights *vis-a-vis* the insurer. It is further to be regretted that as there would be a setback from the practice prevalent before nationalisation, in the absence of a clear directive to the corporation to ensure the supremacy of the policyholders' interests, and further in the absence of the policyholders' representatives on the corporation, their interests are likely to be ignored or superseded in favour of extraneous interests. Further, it is also not in the interests of the corporation or the interests of the country that the corporation should lose the confidence of its prospective policyholders on this account.

In order that the policyholders' interests are sufficiently protected and safeguarded, it is absolutely necessary to have their representatives on the corporation and on the boards at the zonal level. I have suggested that though it is rather difficult to have an elected representative of the policyholders on the main board of the corporation, because that would be an election by millions of policyholders, yet on the zonal boards at least, there must definitely be the elected representatives of the policyholders. On the main board of the corporation, I have suggested that a particular person should be nominated by Government as a representative of the policyholders, the reason being that at least he will look to and safeguard the interests of the policyholders and not merely look at things from the point of view of the extraneous interests.

If a company like the Orientals which was controlling more or less 20 per cent. of the life insurance business in this country could have an elected representative of the policyholders on their board, why should not the zonal boards have the representatives of the policyholders on them, that is to say, the elected representatives of the policyholders? I for one do not see any difficulty in accepting this position. It is often stated that these directors claim to be the representatives of the policyholders, and criticisms are made as to the manner how they are elected and so on. But in any democracy, the franchise is the essential thing. If the public do not exercise it, then that is their lookout. But there is always that right of exercising the franchise, and the person who is authorised to come on the board on behalf of the policyholders would be elected by those interests, and therefore,

[Shri Tulsidas]

he has to safeguard their interests. That is why I have suggested that at least on the zonal boards, there should be elected representatives of the policy-holders.

Shri R. P. Garg (Patiala): Why not on the corporation?

Shri Tulsidas: On the corporation? That will be rather difficult, because there will be millions of policy-holders, and the election will become something like our general elections. Today, there are about 5 million policyholders, and in the near future, the number may even go up to 10 million. That is why I have suggested that a person could be nominated by Government, so far as the main corporation is concerned.

Shri K. K. Basu (Diamond Harbour): For every five lakhs, you have one.

Shri Tulsidas: I do not know whether that is possible. But I feel that we cannot have it that way.

I now come to another important aspect which has been neglected in this Bill. When the public sector is expanding at a terrific rate, and State undertakings are being created for various activities in the economic sphere, it must be accepted as the basic principle of policy that these undertakings created out of public funds sanctioned by the representatives of the people sitting in Parliament must be fully accountable.

I heard the Finance Minister's reference to the Comptroller and Auditor-General. But as you will see from the Bill, the corporation will have the right to appoint auditors with the approval of Government. I cannot understand the objection to having the Comptroller and Auditor-General as the auditor of this corporation, for after all, he will naturally appoint some other auditor to go into the accounts according to his instructions. The plea that has been put forward by the Finance Minister is that if the Comptroller and Auditor-General were to be brought in, there will be no flexibility. He has said in this connection, that even in the State Bank Act, there is a similar provision as what we have here, and the Comptroller and Auditor-General does not come in.

In this respect, I do not know whether all the Members of this House have got the note circulated by the Comptroller and Auditor-General himself, wherein he has pointed out that in other countries where funds are provided from the consolidated funds, similar to our Consolidated Fund, the Comptroller and Auditor-General automatically comes into the picture to look into the affairs of whatever undertakings Government are running. The other day, the Minister of Revenue and Civil Expenditure stated that in U.K. it is not so.

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): What I said is correct still.

Shri Tulsidas: The Comptroller and Auditor-General has already replied to that point.....

Shri M. C. Shah: You should study it.

Shri Tulsidas: .....and he has pointed out that in U.K. no funds have been supplied from out of public funds. There, the Government corporations get their funds from the public, —and the Government give funds only in the form of debentures and they get only an interest thereon—and not, as in India, get all their funds from the Consolidated Fund. So, the Comptroller and Auditor-General has already replied to this point, and I have nothing further to add.

My point is that this House has every right to see that the only person who could look after the interests of this House, namely the Comptroller and Auditor-General.....

Mr. Chairman: Is there a note circulated by the Comptroller and Auditor-General?

The Deputy Minister of Finance (Shri B. R. Bhagat): To all the Members?

Shri Tulsidas: I believe so. I have got the note here. There are two notes. One was circulated to the Members of the Select Committee.

Shri B. R. Bhagat: To which note is the hon. Member referring? We do not have any note.

Shri Tulsidas: I have got his note which has been circulated to every Member.

Shri Mohiuddin (Hyderabad City): I have also received a note.

Shri C. R. Narasimhan (Krishnagiri): Probably, the Auditor-General circulated this note to the Financial Committees of this House, in his capacity as their constant adviser.

Shri Tulsidas: No. There was one note circulated to the Members of the Select Committee. I am not referring to that at all. But there is another note, and that is what I am referring to.

Shri B. R. Bhagat: I do not think that note was circulated to all the Members of the Select Committee. May be it may have been circulated privately to some Members. It has not been given to me. I was a Member.

Shri Tulsidas: He can get it from the Comptroller and Auditor-General.

Shri C. R. Narasimhan: Whether the note is from the Auditor-General or not, the subject-matter is there for answer.

Shri Tulsidas: I do not understand this shyness on the part of Government to accept the audit of the Comptroller and Auditor-General. The plea is that there is not going to be flexibility, the business of insurance is such that it is flexible and therefore, the auditors appointed by the Corporation itself will do the audit. The Comptroller and Auditor-General, according to the Constitution, as the hon. Finance Minister said, has the right to do it, and the House will also get the report and so on.

My point is that the accountability of any undertaking undertaken by Government to this House can only be through the Comptroller and Auditor-General. Therefore, the Comptroller and Auditor-General must be the person who should look into these things on behalf of this House. Whether the Government like his auditing or not, the pre-condition for Government nationalising any undertaking is the acceptance of the Auditor-General as the auditing authority for the undertaking. It is only on that condition that Government should nationalise undertakings.

The Finance Minister has said that there is one undertaking which is not audited by the Auditor-General, that is, the State Bank of India. If that is so, it is a mistake. We should have the Auditor-General audit the accounts of the State Bank of India. We have also seen that we had to amend the Industrial Finance Corporation Act and bring in the Auditor-General. But this has not been done in the case of the State Bank of India. I do not understand why this has not been done. I think the appointment of the Comptroller and Auditor-General as the auditing authority is the pre-condition for Government nationalising any industry. I am sure the House will take this as a matter of prestige of this House. If the Government want to by-pass the Comptroller and Auditor-General, then the prestige of the House must count, and it must be more supreme than anything else. I am sure the House will look into this matter.

Now, I will come to the question of how this particular piece of legislation has been framed in the light of the Indian Companies Act and the Insurance Act. A number of salutary provisions have been made in those two enactments in order to see that corporations and companies function properly. It may be that there are a number of companies, a large number of companies, in the non-State sector, whereas this is only one Corporation. But this Corporation has no provision applicable to it of statutes like the Indian Companies Act and the Insurance Act. I am glad that the Select Committee has made certain provisions with regard to applying certain sections of the Insurance Act.

I have already put in my Minute of Dissent wherein I have referred to sections 27, 27A and 40B. The Finance Minister just now gave the reasons why these provisions were not required to be applied to this Corporation. The reasons which he has given are, to my mind, not at all satisfactory. He says that the expense ratio is bound to come down, and therefore, it is not necessary. But if this restriction was there in the case of the companies that were functioning, why should not the same restriction be extended to this Corporation? If the Government have a definite idea, and are assuring us, that the expense ratio will not go up, why should they feel shy of applying this particular section to this Corporation? I do not see any reason why the Government should not agree to this proposition.

[Shri Tulsidas]

There are other provisions like sections 27 and 27A dealing with investments. One has to view the question of investment not merely from the point of view of how the investment is done. This has also a bearing on the interests of the life insurance policy-holders. In fact, both these questions of expense ratio and investment have a bearing on the interests of policyholders. You know that with-profit policies are taken out. There they are interested in future bonuses. As regards past bonuses, the Government have already given a guarantee. But future bonuses will depend on the yield by way of interest that the investments of the Corporation will bring. It will also depend on the expense ratio kept up by the Corporation. Then there is the question of mortality ratio.

My feeling is that this particular restriction regarding expense ratio and investments must be made applicable to this Corporation, because it is the interests of the policyholders that are involved. In normal circumstances, 55 per cent. of the investments are in government securities, and the balance is to be invested, according to section 27, in approved securities. There is also the question of yield as well as the diversification of investment. Here though there is a committee, whether it has any directors or not, the Government's instructions will have to be carried out. Therefore, in the interest of policyholders, what I have suggested is that up to the maximum of 55 per cent, the investment may be in government securities, but the balance should be in other types of investment in such a way that the yield to the policyholders will not be affected. If this is done, the yield to the policyholders will be higher and the bonus which the policyholders expect to get will be higher. To that extent, sections 27, 27A and 40B should be made applicable to this Corporation, particularly in view of the assurance given by the hon. Minister as regards investments and the expense ratio.

Another important aspect I would like to deal with is the question of the Corporation's taking over of the subsidiary companies of the present life insurance companies. The main aspect in this connection is the general insurance business. I know some hon. Members to my right would naturally like to have general insurance also nationalised. But I do not see why that portion of insurance should come into this piece of legislation. If in the future, Government decide to nationalise general insurance business, they might bring in another Bill for the purpose.

The main difficulty, as you must have seen, is even with transacting life business in foreign countries. The Select Committee was told, and we have now also been told, that life insurance business transacted outside India will be handed over to the life insurance companies or to other companies who are willing to carry on that business. The reason is that in other countries, they do not like any nationalised institution to function. This difficulty will also arise in the case of general insurance business carried on by these subsidiary companies which are being taken over. In general insurance business, there is much more of international business than internal business. If you see the balance-sheets of a number of big general insurance companies, the larger part of the premium income comes from outside India than from inside. Therefore, I suggest that just as they are handing over the life business in foreign countries to the present companies or other companies who are willing to carry on that business, they should also hand over the general insurance business of the subsidiary companies to the present companies, if they so want, or to any other companies who would like to take that business over.

Now, I come to the question of compensation. Here, I would like to point out that though the Select Committee has made a certain change—and from the face of it, it looks as if the change has been a concession—one aspect which has been lost sight of is that whatever compensation Government are paying, they are paying from the funds which they will take over from these companies and which funds ultimately will belong to the Corporation. Therefore, it is nothing coming out of Government.

The next aspect is that when you take over certain business, you pay the price as on the day you take over and not the price four years behind. On the basis of the proposal in the Bill it is the average of 6 years which means that it will be actually 1952 price. You will see that in 1952, the total business in force was Rs. 800 crores while at

the end of 1955, it was Rs. 1000 crores. So, you would be paying 22 to 24 per cent. less.

Then, the companies have been allowed, under the law, to allocate 7½ per cent.....

Mr. Chairman: The hon. Member has commenced his speech at 2·24. As the hon. Speaker said, leaders of groups and certain important persons will get half an hour. You have already exceeded half an hour.

Shri Tulsidas: No, Sir; I began at 2·24 and it will be half an hour at 2·54. I have come to the last point. I am coming to the end.

Mr. Chairman: I am just reminding the hon. Member.

Shri Tulsidas: I am only putting this point. Those companies which have allocated 7½ per cent. are to be paid on the basis of 5 per cent. and that too on the previous 1952 valuation. Because if you take the average of 6 years, it comes to the 1952 figures. Therefore, by that they are getting only 41 per cent. of the present valuation. I do not see any reason why the Government is feeling that they should not give those companies whatever they have allocated. There is always a feeling that compensation is being paid to people who have got something; there is always the expropriation mentality on the part of those persons who pay compensation.

I may tell you that in this particular question, there are 50,000 shareholders of the different companies and it is these 50,000 people who will benefit and not a few individuals—2, 3, 4 or 5. Therefore, if the compensation paid is less, there are more than 50,000 persons who are affected.

The other aspect is that when the Corporation will function they want to take 5 per cent. of the allocation surplus. That is, the Corporation wants 5 per cent. of the surplus to be allocated. It is the shareholders' money which the Corporation would be utilising. But, while paying compensation, they want to pay only 5 per cent. even though 7½ per cent. has been allocated out of the surplus of the shareholders. I feel that this compensation is too low. They have increased it from 3 to 3½ per cent. for those companies who have not allocated anything. But for those who have allocated 7½ per cent. according to law, if you do not want to penalise them, I would say, let us pay them at least 6½ per cent. if not 7½ per cent. Who are affected? The big companies have allocated less than 3½ per cent. I do not want to go into the details of the question of merits, into prudence. But, I do feel that it was not a question of prudence. If they had allocated more the policy rates would have gone up. It would have affected the question of bonus. These are technical questions and I do not want to go into what happened in other big companies who have allocated only to the extent of 3½ per cent. But, those who have allocated 7½ per cent. will get only 5 per cent. I feel that it is illogical, it is discriminatory and it is not fair. The Corporation should pay them at least 7½ per cent. which is allowed by the Act.

The surplus must be valued on the day the Corporation takes over all these companies. Either it must be the value of that year's normal insurance business or it must be the average of 3 years and not the average of 6 years.

I do feel that the most important aspect is that the expropriatory mentality is not going to help our society, whether it is the socialistic type of society or any other type of society. Unless you protect the rights of property, it is not going to help the interests of any society. But, I do feel that in the long run only a society in which the property rights of the individual or groups are honoured can prosper and none else.

Shri Sadhan Gupta: At the obsequies of the private sector in life insurance business, I am not filled with any sense of remorse at having to participate in the obsequies. On the other hand, I am filled with a deep sense of regret that the extinction has not been complete, that the extinction has been confined to the life sector alone and is not extended to the general sector of the business.

There was more than one reason which necessitated the obliteration of the private sector in life insurance business and which equally apply to the case of general insurance business also. In the first place, we are a country which is desparately seeking resources for the purposes of developing the national economy, for the purposes of rapid industrialisation. We are trying to get foreign aid which is an unpredictable quantity and on the basis of which no plan can

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be formulated. In order to meet our demands, we are resorting to deficit financing and the prices are going up. With all these difficulties, how can we refuse to utilise the huge funds that are at the disposal of life insurance companies and the fairly sizable funds which are also at the disposal of general insurance companies?

Coming to the life insurance companies, we have a fund of about Rs. 380 crores, which is available today for use for national development and, so there is every reason that this fund should be taken over and used for the purposes of national development. Even though nationalisation has been made, yet I shall show later on that the utilisation of the funds which is promised under the Bill is not quite to the interests of national development. Even then, something will come for national development and that is cause for some satisfaction.

I have also further reasons to regret the omission of general insurance. The malpractices mentioned in the Statement of Objects and Reasons of this Bill apply with equal force and, in some cases, with greater force to general insurance companies.

3 P.M.

Malpractices like rebating are more rampant in general insurance concerns than in life insurance concerns. Therefore, I again say that I am deeply disappointed that general insurance companies have been left out of account. Even if you leave out all that, from the point of view of the employees, it is absolutely essential that general insurance companies should have been taken over. Many of the general insurance companies are composite companies. The general insurance business receives a large amount of support from the life insurance business, and I can assure you that most of these companies are going to be liquidated as a result of life insurance business being taken over. I have received frantic telegrams from many insurance employees' organisations saying that retrenchment has already started in the general insurance wing. There was a telegram from Vishwabharati. I understand the same thing is happening in Andhra Insurance When the life insurance business is being taken over, they are deciding to close general insurance business. Even for the sake of relieving the employees, even for the sake of securing employment to the employees or giving them security of service, the Government should have taken over the general insurance sector. The Government cannot plead that it was unaware of the problem, it did not know that many employees would be thrown out of their employment when the life part of the concern was taken over by the Government. I charge the Government with callousness in this matter and of deliberately ignoring the interests of the employees. I want to know what steps they propose to take if large-scale retrenchment of employees in the general insurance sector occurs.

With these remarks, I would assure you that the Bill, so far as it goes and as far as the principles are concerned, has my complete support. Of course, we have important differences regarding various aspects of the Bill, but generally we are in agreement with the principle —the principle of nationalisation of life insurance companies. However, our differences are major and very fundamental with certain provisions of the Bill. Take the provision for compensation. The idea of compensation, the principle on which compensation is to be fixed, is that the shareholders must be guaranteed in perpetuity an amount of income which would bear some approximation to the amount that they would reasonably expect to earn as dividend in the future. That is the principle of compensation adopted. The shareholder would earn something from the shares and that earning should be guaranteed in perpetuity. Shri Tulsidas's complaint is that some of us are out for expropriating. I am not for expropriating anyone whose business is being taken over. We, the Communist Members, are for granting a fair compensation to anyone whose property is taken over in the national interest. But what is the fair compensation? Is it a fair compensation to guarantee your earnings in perpetuity? That would have been a fair compensation if every other class in the society was being compensated on that basis? A workman today, if he loses his earning capacity completely by an injury suffered in course of employment, by an injury suffered while carrying on his duty and serving the community, has to sit idle for the rest of his life. He has to feed his children and to educate them, what does he get? When he loses his earning capacity, you give him wages equivalent to 3½ times his annual earnings; that is under the Workman's Compensation Act, and that, I can assure you, is a very generous compensation because

under the Industrial Disputes Act, if a person, after serving 20 years, loses his job, what he gets is a total of 11 months' wages—15 days for each year of service and one month's notice pay. Under this very bill if the Corporation by way of rationalisation reduces the salary of an employee, all he is given is three months' wages unless some arrangement for provident fund or gratuity is provided for by the company in which he is serving. I can tell you that many of the companies do not provide for gratuity or provident fund. For all practical purposes, a man, even after years of service, if his wages are reduced, can get only three months' compensation. When you are giving 3½ years or 11 months or even three months to an employee or to a worker who has rendered years of service, how can you give a greater compensation to a shareholder? What has he done? He has only put in some money, and he earns an income while sitting idle. He does not take any risks. Hardly any risk he takes, because an insurance company, as I will show presently, is the soundest venture. When we assume a reasonable efficiency in its management, there is hardly any chance of its coming to grief. An investor obviously tries to ascertain that the company will be managed with reasonable efficiency. After that is assumed, what risk does he take? Nothing at all. I have shown that from the point of view of the community as a whole, this heavy compensation is uncalled for, because we cannot treat all classes of society in the same manner. Let us look at it from the point of view of the capitalist. The compensation to the capitalist is supposed to be a compensation for the risk that he takes. As I just said, the investor in an insurance concern, and particularly in life insurance business, takes very small risks. The life insurance business can never come to grief. It has been seen that in an earthquake in Japan when one-third of the population of that country was destroyed, the life insurance was not very much affected. This is the kind of thing that life insurance concerns are. There is hardly any risk. Then, the insurers in this country claim all the credit for developing the insurance business in India, for spreading insurance to the people. But can they claim all the credit to themselves?

Mr. Chairman: The hon. Members' time is up. I can give him half an hour's time if he is the representative spokesman of his party.

Shri Sadhan Gupta: I have been a Member of the Select Committee....

Mr. Chairman: But that is no reason why he should have more time. If he speaks as the spokesman of his party, I will give him half an hour.

Shri Sadhan Gupta: Very well, Sir. I do so. I was saying that the investor in an insurance company takes no risks. What about the credit for expanding the insurance business? Is it all due to the insurance concern? You know that recently many measures have been taken by the State to facilitate the expansion of the insurance business. Income-tax relief has been granted to assessees in respect of insurance premium paid. A huge public expenditure has recently been undertaken and that inevitably has its repurcussions in the development of insurance business because a section of the population increases its income thereby. Naturally they become prospective policyholders of the insurance companies. All these contributed to the development of this. So, the insurance companies cannot claim the whole credit for the spreading of the business. We have to look at other criteria to decide whether the compensation is fair or not. I venture to suggest that the only criterion is to see whether the compensation is so excessive as to be disproportionate to what other classes in society can expect under similar circumstances or on the other hand, whether it is too meagre as to offer a reasonable chance of rehabilitation to one who depends exclusively upon this income, the income from the investment in insurance companies. When we cannot pay the other sections of the community more than 3½ years wages, the shareholders cannot expect more. Similarly, we should not pay them so meagre an amount that they cannot rehabilitate themselves. Therefore, I have said in my minute of dissent that ten years average earnings may be given to the shareholders instead of twenty years. That would be fair. They are guaranteed their income for the length of ten years and within this time they can rehabilitate themselves and find out alternative avenues of earnings. They are protected for ten years. I would even go further and say: let them have ten times the last dividend that they have had. The last dividend must be the greatest. And that should be enough. In fact that is an outrage on the conscience of society. If I had my own way, I would order it in a different way. I would look to individual cases. But it is not

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in my hand. I would venture to say that this formula is a bit too liberal to shareholders but I would be prepared to abide by that. Now this is one aspect.

There is another aspect which is in striking contrast to this—compensation to employees. Unless a company has provided for guarantees, an employee who does not find it possible to accept the scheme of rationalisation must quit with three month's remuneration. It is said that if the contract provides for a shorter term of remuneration, he will get the shorter remuneration. I do not understand how, on the one hand, we can afford and agree to pay an immense amount of money to people who deserve to be paid certainly much less than the employees and on the other hand we cannot agree to give to the employees more than a small pittance. Everything that applies to shareholders applies, with greater force, to the employees. Do you talk of the development of business? I think it is the employees who have contributed most to it. Do you talk of the spread of insurance? It is the employees who have done it. But, when you are discharging them, you are discharging them with a miserable pittance.

It is the same kind of treatment that is given to the policyholders. Policyholders in companies which are insolvent run the risk of having their policy value reduced. That is clause 14. There have been many cases when the deficit has been the result of under-valuation of assets or over-valuation of liabilities. Assets have been under-valued in order that the authorities in charge of the company may buy them for a song. The liabilities have also been over-valued either due to caution or due to other motives. By these means, deficits have been created. But apart from this, let us not forget the psychological reaction which this will create. The policyholders will lose the confidence in the Corporation's ability or willingness to observe their liabilities and to honour their policies. I know there are guarantees in the Act but you do not expect every policyholder to read the law. When they know that their policies are being reduced in value, they will lose their confidence in the Corporation. It may not always be on a reasonable basis. When you are asked to put in your money you do not expect quite so much reason from the policyholders. You do not expect them to understand the Government's interpretation of the law. Therefore, for a nationalised undertaking this sort of thing is very inauspicious.

Dr. Rama Rao (Kakinada): May I point out that there is no representative of the Finance Ministry here?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): I am taking notes on behalf of the Finance Minister.

Shri T. B. Vittal Rao (Khammam): There are four Ministers in the Ministry of Finance. One of them should be here.

Shri H. N. Mukerjee: The Deputy Minister of External Affairs has a very specific job in the Government to do and he is not a member of the Cabinet who has a joint responsibility for other Ministers in charge of departments like Finance. That being so, with all my respect for the Deputy Minister of External Affairs, I feel that his presence is by no means adequate.

Mr. Chairman: The hon. Minister in charge of this Bill was all along present. He must have some time. Moreover, no new points are made. The hon. Member is stating in the House practically what he has given in the minute of dissent. Therefore, I do not think that many things are missed by the absent Minister. The other Minister is taking notes.

Shri C. R. Narasimhan: Shri M. C. Shah is here.

Shri M. C. Shah: I had been away for just a minute or so, Sir.

Shri Sadhan Gupta: The issue of fair compensation was raised. At one stage it has been said that the State cannot be expected to guarantee the policies of imprudent policyholders who had acted without circumspection in insuring with bad companies. I shall try to show you that this is a wrong idea. But I submit that this doctrinaire approach is quite unjustified.

It may be that many companies have gone insolvent. I am aware, perhaps even more than the hon. Minister, how many companies have gone insolvent and in what circumstances. There is a company for instance that has lost Rs. 30 lakhs of the Rs. 32 lakhs of the life fund. It is asked: "Do you expect us to guarantee the policies of such a company?"

Perhaps if the Government takes up this responsibility then every depositor shall be guaranteed his deposits if the Government decides to nationalise banking. That is what is said. Perhaps the same arguments will be advanced.

But, the whole approach is different here. They were insuring with the company which was operating under a licence from the Government itself. Government recognised that it had a right to operate. There is the Controller of Insurance and his department with enormous powers. He is supposed to keep a check on all kinds of mismanagement and mis-application. And, what is more. The policyholders have all along been paying premium even after 19th January in the hope that their policies will be honoured, particularly by the Government when the business is taken over. Why should the policyholders suffer, because the Government departments could not check these corruptions because they could not check these misappropriations? They had all the powers if they wanted to check such things. But they did not check it, obviously, either due to inefficiency or under-staffing of the Controller of Insurance office. Why should the policyholders be made to suffer for it.

Then, there is the question of audit. A few points have been made by the Finance Minister as to why the audit by the Comptroller and Auditor-General has not been provided for. He says that in a commercial concern like this Corporation, this kind of audit is not necessary. I shall come to that later on. But, on principle, in a Corporation of this kind, where huge public funds are invested in the shape of capital provided by the States, it is but natural that the Comptroller and Auditor-General should be allowed to audit the accounts. The Minister has tried to mislead us—I hope not deliberately—by saying that in the United Kingdom the Comptroller and Auditor-General does not claim any inherent right to audit public corporations. That is only a half truth. In the first place, in the United Kingdom every public corporation depends on loans from the public and all that the Government guarantees is interest from that loan by way of debentures. Secondly, even in the United Kingdom, in respect of public corporations of this kind, a Select Committee has enquired of the Comptroller and Auditor-General as to whether he would agree to audit the affairs of these public corporations and the Comptroller and Auditor-General has replied that he is willing to do so if his staff is expanded. Therefore, firstly, investment of public funds or investment from the Consolidated Fund is not there and, secondly, the Comptroller and Auditor-General, even in spite of it, has been asked to consider auditing of those corporations and he has agreed. So, in our country it is all the more desirable that the Comptroller and Auditor-General should come in, in these matters.

There are the Air Corporations. There are the Industrial Finance Corporations. All of them are being audited by the Comptroller and Auditor-General. What is the difference with this one? What is the difference in this Corporation? Here it is said that it is a commercial concern and the executive has to act with some amount of discretion. How does the Comptroller and Auditor-General prevent discretion? All that can happen is that the Comptroller and Auditor-General can keep check when that discretion goes on and the discretion takes the shape of committing waste of the funds at the disposal of the Corporation. Do we not want it? Do we not want wastes to be pulled up?

Sir, it is not difficult to understand why the Government has taken up this attitude. When the Comptroller and Auditor-General had uncovered certain very shady things in the Industrial Finance Corporation, the Government tried to shield the officers involved rather than to bring them to book. I think it is the same kind of attitude, that the auditor should be tractable, the auditor should be amenable to being manipulated by the Government, that has induced the Government to refuse to have audit by the Comptroller and Auditor-General. We cannot accept it. We cannot accept a tractable audit. We want independent, exacting audit and no honest man who conducts the affairs of the Corporation honestly will have anything to fear from such an audit. We have seen, the Comptroller and Auditor-General's audit has been independent and so we want it.

Regarding investment policy, what we find is that the Government has given the private sector promise of continuing the investment pattern; that is to say, it has given the private sector promise that the percentage of investment, the proportion of investment, which was so long being made in the private sector will be maintained. This promise is entirely uncalled for. Of course, we are not against investment in the private sector, but such investments should not be made

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merely because it is the private sector. investments should be made in accordance with national priorities, priorities in the interests of national economic development, and the private sector should come in according to that priority. If any undertaking in the private sector is important for national purposes, let the Government invest adequate funds in that undertaking, but not in any undertaking because it belongs to the private sector. Therefore, what I would suggest is that the investment of the Corporation's funds should be, in the first instance, in Government securities. Government should guarantee an interest of 3½ to 4 per cent. on those securities. After guaranteeing that, they should take over all the funds of the Corporation and invest those funds according to priorities in the interest of national development. This will have the advantage of guaranteeing adequate interest for the policyholders, which Shri Tulsidas has desired, and, at the same time, of promoting the national development. In this connection, it is well to remember that most of the big ventures now operating had been investing about 80 per cent. of their funds in Government securities. Therefore, no danger to policyholders is involved.

Now, there are certain matters about employees. I would desire that the surplus under clause 28, which is revealed after actuarial investigation, should be allocated to the extent of at least 2½ per cent. for paying valuation bonus to employees. The provision about transfer of employees should be very sparingly used and, in particular, employees should not be ordinarily transferred outside the zone without their consent. When transfer is ordered within the zone or outside the zone, care should be taken to see that they receive adequate compensatory allowance to compensate for the loss they may incur. No reduction of remuneration should take place in case of nationalisation in the case of employees who are workmen under the Industrial Disputes Act; that is to say, clerical or subordinate staff, and all disputes arising between the employees of the Corporation and the management should be adjudicated upon by the Tribunal and the Central Government's decision should not be final.

I would also urge that the privilege of absorption, which has been extended to the staff of chief agents, should also be extended to the staff of private actuaries, because the staff of private actuaries would be thrown out of employment by nationalisation, and they had been rendering service to insurance business as the staff of the chief agents had been doing.

Lastly, I would urge that section 44, which guarantees hereditary commission to agents should be automatically applied to the Corporation and it should not be placed in the second group in section 44, which the Government can bring into force subject to modification. Section 44 should apply in full and so should sub-section (1) of section 40-A in respect of commissions to agents. The Corporation has been authorised to make regulations under clause 49 and Parliament has been given no control over those regulations. It is urged that the regulations relate to the day-to-day administration. If you look at clause 49, you will find that the regulations not only relate to matters of day-to-day administration but to very important matters like the differential groupings of policies for the payment of different bonuses, the forms in which policies are to be issued, that is to say, for specifying policy conditions, etc., and these are matters in which the country has a very vital interest. Therefore, Parliament should have a control over those regulations and like the rules made under this Act, the regulations made under this Act should also be subject to annulment or modification by Parliament.

Mr. Chairman : It is now 3-30 P. M. We shall take up private Members' business.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

Shri Altekar (North Satara) : I beg to move :

> "That this House agrees with the Fifty-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 16th May, 1956".

In this report, there are two points which have been discussed. One is in regard to the classification of the Bill by Shri T. B. Vittal Rao regarding the Factories (Amendment) Bill. After considering all the issues concerning it, it has been classified under category and three hours have been allotted for the discussion of the Bill.

There was a request made by Shri Nand Lal Sharma that his Bill regarding the prevention of cow-slaughter should be upgraded from B to A. A similar bill was brought by Seth Govind Das and it was discussed in this House sometime back. The House has already expressed its opinion, and so the discussion of the same Bill and spending time on that was not thought to be necessary. Therefore, it was put under B category. A request was made by him again sometime before that it should be upgraded from B to A. But that was rejected on the ground that I have already stated, namely, that the same Bill was discussed in this House. He has again made the request. No additional ground is there for taking the Bill from B to A. It has already been consigned to category B, and there is no necessity to upgrade it from that category.

Mr. Chairman: The question is:

"That this House agrees with the Fifty-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 16th May, 1956".

The motion was adopted.

INDIAN PENAL CODE (AMENDMENT) BILL*

(AMENDMENT OF SECTION 494)

Shri S. V. Ramaswamy (Salem): I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860.

Mr. Chairman: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1860".

The motion was adopted.

Shri S. V. Ramaswamy: I introduce the Bill.

Mr. Chairman: Shri M. L. Dwivedi is absent. We shall pass on to the next business.

MINES (AMENDMENT) BILL

(AMENDMENT OF SECTIONS 33 AND 51)

Mr. Chairman: The House will now resume further discussion of the motion moved by Shri T. B. Vittal Rao on the 4th May, 1956:

"That the Bill further to amend the Mines Act, 1952, be taken into consideration".

Out of 1½ hours allotted for discussion of this Bill, 29 minutes have been taken up on the 4th May, 1956, and one hour and one minute are still available. Shri T. B. Vittal Rao will continue his speech. He has already taken 29 minutes and so he will be brief.

Shri T. B. Vittal Rao (Khammam): The other day, I was narrating at great length the working and living conditions of workers in the mines. There is an invidious distinction even in the present Act, with regard to two categories of workers. While the monthly rated workers get 14 days of annual leave with wages, the daily rated workers are given only 7 days. So, by the amending Bill, I seek to remove this distinction. Even the grant of this facility is conditional. During the whole year the workers in the mines should not go on any illegal strike. Even if they go on an illegal strike for an hour, what they have earned during the whole year through hard work is taken away. Such is the position in the Mines Act.

I have brought this Bill before the House because today there does not exist any other forum for representation. For instance, we have got various committees in the Ministry of Labour. The various industrial committees which have to meet regularly do not meet regularly. This is due to the inefficiency of the Ministry of Labour. These committees should meet regularly according to the International Labour Organisation's directions and instructions, especially when we are a member of that organisation. But we are not carrying out those regulations. If we take the industrial committee on mines, it has not met since 1952. Four years have elapsed, but there is no meeting. There are several problems which we could have thrashed out in a tripartite meeting and we could have tried to improve the working and living conditions of the miners.

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[Shri T. B. Vittal Rao]

Another indifferent attitude shown by the Ministry of Labour is in regard to the recommendations that have been made by the courts of enquiry which have been appointed to go into the Amlabad explosion and the mine disaster in Parasia, where 122 workers were killed. The court of enquiry in regard to the latter, after a thorough enquiry, have recommended that a high-powered commission should be appointed to go into the safety measures in the mines. But up to this day, no action has been taken. The report was submitted ten months ago by the Sen Court of enquiry. The Jamuar Court of enquiry submitted its report last September, and the recommendations have not been implemented. We are given to understand by the Ministry that they have accepted the recommendations but that they have not been implemented.

How far we lag behind the other industrially developed countries in the matter of production will be realised when I quote some figures now. While we produce only 38 million tons of coal in India, in the United States of America they produce 458 million tons annually, which is 12 times more than ours. In the United Kingdom, they produce six times more. In Germany,—such a small country—it is 123 million tons, which is three times ours. In the USSR it is 391 million tons, which is ten times more than ours. In Poland it is 84 million tons. In China it is 80 million tons, which is more than double that of ours.

If you look into the production of gold, the USSR produces 10 million fine ounces of gold. In the Union of South Africa, they produce 15 million fine ounces. So, in order that we develop our mineral resources and catch up with these advanced industrial countries, there is great necessity and immediate urgency to improve the conditions of the miners. Until and unless you improve the living conditions and the working conditions of the miners, you are not going to induce them to work for the production which you want to achieve. There is a chapter in the second Five Year Plan on minerals. It is stated there that the way in which we exploit the mineral resources in the country and the way in which we utilise those resources are the indicators for the economic development of our country. So, I earnestly urge our Minister for Labour who has been a veteran trade union leader to accept this amending Bill.

Today advantage may be taken by the employers and the Government because we are disunited. There are many workers not organised and there are two or three federations. But, the time will come when we will be united. We are uniting the working class and they will not tolerate this intolerable condition any longer. Therefore, I urge upon the Government to do something quickly. I expect the Government which has as its sole objective a socialist pattern of society to accept the small amendment I have brought in. With these words, I commend my motion to the acceptance of the House.

Mr. Chairman : Motion moved :

> "That the Bill further to amend the Mines Act, 1952, be taken into consideration."

Shri H. N. Mukerjee (Calcutta North-East) : I commend this Bill to the House with all the earnestness at my command. The Bill does not ask for any revolutionary change, but noly for certain facilities for our mine workers that appear to be very much more than overdue.

The work of these employees in the mines is, as everybody knows, hard as well hazardous and it is a tale of daily heroism, unostontatious but very real heroism, that comes from these mines. For those greathearted toilers, six lakhs of them, who go down to the bowels of the earth and collect treasure of which they only get a most infinitesimal part, and which often goes to fill foreign pockets, the Bill provides that instead of seven days' leave in the year, they should have a month and that when they work over-time on the surface, they should, like factory workers, get double their normal wages instead of 1½ times. This, therefore, is a very modest Bill which makes to our Government a very reasonable request which can be satisfied with very little effort on their part.

In this House we often hear learned legal arguments about discrimination. But I am sorry that the services of our legal luminaries, of whom there are so many in this House, are not so much at the disposal of the toiler as they are at the disposal of the tycoons in difficulty over some half-hearted social legislation. In regard to annual leave with pay and in regard to over-time, the minor gets less than the workers in factories and even in the plantations. Not

that conditions in the factories and the plantations are satisfactory—they are gloomy enough—but even so, the minors are at a disadvantage in comparison with them and the Bill only seeks to correct the anomaly.

The mover has made on the last occasion as well as today a characteristically well documented speech. He has shown how in regard to wages, hours of work, provisions for safety and amenities available to miners, compared to all go-ahead countries, we are very far behind. He has shown how in respect of the recent boom in the coal industry—it is not for nothing that the coal mine-owners are fighting tooth and nail against nationalisation—the worker has not only not profited from it, but today he gets as real wages less than in 1926, not to speak of 1939. Mr. Vittal Rao has also referred to the loot which has been going on for years now in Madhya Pradesh over our manganese ore. He has drawn our attention to the conditions in the Kolar Gold Fields, an El Darado for foreign capital which sticks like a leech to its arena of exploitation. He has reminded us of something of that grimness that overpowers this House from time to time, every time a mine accident is reported to us, and of the fact that the accident rate, both fatal and serious is nine times greater than in factories and has increased from ·79 per month in 1947 to ·90 in 1951 and 1·19 in 1954. We know how labour protection laws are haphazard, inadequate and often unenforced in our country. We have found out in this House from time to time how inspection of mines is sometimes an irony as far as workers are concerned. We have been told in Parliament that moneys allotted for the construction of residential accommodation for miners very often lapse and we know how owners get out of the obligation of constructing habitations for their workers by paying a few hundred rupees as fine for non-compliance with the law. The House knows how the miners continue to be treated, like the majority of our country's toiling population, as subhuman beings. This Bill, therefore, only asks for a few crumbs and I ask Government not to respond with stones. Surely, the miner can expect a Government which is proceeding with pompous proclamations about the socialist pattern of society to allow him a few more days of rest, of recuperation and recreation and at least as much over-time as other factory workers get.

I may also refer to a point which I wish us all here to bear in mind. A considerable proportion of our miners belong to what are called aboriginal tribes, the adivasis of our land, people who have to toil through the millennia to build the concrete base of our civilisation, people who have evolved their own charming forms of culture, but who have lived, as it were, beyond the pale of Indian life; they have been treated at best with a sort of superior indifference and at worst with callous contempt. But, like all who work to keep the world going, they are the salt of the earth. If today when Government talks glibly of the socialist pattern of society, we cannot even give them the barest minimum of what they badly need, it will be a shame for Parliament and for the country. I feel, therefore, that in regard to this Bill, Government is on its trial. It is a very simple Bill and if Government is on its trial, Government can get out of it with flying colours. How long will you just talk socialism and every time the workers' interests are represented, reject them as misguided or unnecessary or motivated by party considerations? Therefore, I ask—the Labour Minister is not here, but his Deputy is here—Government to come forward and to make a gesture, which it would not cost the Government very much to do. Government can make this gesture very easily; Government can afford to do it. That is why I earnestly appeal to Government to come forward and accept this Bill.

It may be that the principle of the Bill is accepted by the Government. It may be that Government may take over the Bill and bring it in as a Government measure. That would be the barest act of justice which we can and should do for the miners of the country.

Shri N. Sreekantan Nair (Quilon *cum* Mavelikkara): Sir, it would have been much better if we knew the reaction of the hon. Minister to the suggestions. If he intends to accept any portion, it would have been much better. Anyhow, now that you have allowed me to continue the talk, I would like to make a few remarks on this small Bill.

The Bill relates to two kinds of discrimination. One is discrimination between a factory worker and a mine worker. It has been pointed out that a factory worker is not living in bliss, certainly not enjoying his life even as workers in other countries do.

[Shri Sreekantan Nair]

But, the coal miner, whether coal miner or gold miner, whatever he is, in spite of the fact that coal is dirty and gold is attractive when finished, is entirely in the most harassed position. He has to do a very hazardous job, has to go underground and fight the elements of nature, with all the callousness of the mine owners, with all the callousness of the supervisory and governmental staff, and get killed or get injured, and when alive earn a pittance. These mines generally are run by big vested interests who have got the Government—especially the State Government—in their control. You would be surprised to hear certain facts. I had gone to Dhanbad area in Bihar and even as a Member of Parliament, I was in danger of my life when I went to these areas. I am speaking honestly when I say that rowdies or goondas and the police are in league and the police department of the Bihar Government is cent per cent. behind these employers. There have been several letters which I wrote to the.....

Shri Abid Ali: It is very unfair on the part of the hon. Member to refer to the action of the Bihar Government and the Bihar police. I have no information about that. They are not here to defend themselves. Therefore, this reference is not proper.

Shri N. Sreekantan Nair: I only casually mentioned....

The Deputy Minister of Labour (Shri Abid Ali): It has been so ruled previously on many occasions.....

Mr. Chairman: I am not sure whether it is absolutely barred under any point of order. It is a general statement. If a specific statement is made, I would have asked the hon. Member to produce some sort of evidence. But, general statements it is very difficult to bar absolutely. But, anyhow, objection has been taken by the hon. Minister. The hon. Member.....

Shri N. Sreekantan Nair: I was narrating my own experience only in a general way. No accusations against any officer or Minister.

Mr. Chairman: General statements, it is very difficult to understand.

Shri N. Sreekantan Nair: I can understand the objection of my hon. friend over there. I sympathise with that and I shall not proceed on these lines. I wanted to point out that the life of a miner is much more hazardous and much more difficult, but his remuneration is comparatively less than an ordinary factory worker. But, he is differently treated in the matter of leave. He is doing the most hazardous work on a lesser pay, and he is not getting as much leave as a factory worker. That is one aspect. Another aspect is the differentiation between the monthly paid staff and daily-rated staff. This invidious distinction has been the bane of our industrial life. In every industry workers come forward with the demand that they must be monthly paid. That demand by itself is not a very illegal one. That would be something good to them; at the same time, we find it very difficult to press their demand. Because they are not monthly paid workers, they are undergoing a lot of suffering. Their services are to be recognised, their tenure should be fixed and all the privileges that accrue to the monthly workers must be given to ordinary workers also. Unfortunately, because of the question of leave and other amenities, the distinction between daily-rated staff and monthly paid staff is creating a lot of trouble for the trade unions, for the employers and for the Government.

Why should this invidious distinction be continued? Why cannot some more fixity of tenure be granted to these workers? Why not the same kind of leave be granted? Those who do less physical work, much less dirty work than these labourers, get much more leave. Why? In the context of leave, a mistake conception regarding leave has been created, that production will go down or the annual output will be less. That is not the case. There may be some additional expenditure involved. But, the leave is utilised by the worker to recoup his health, so much so, he becomes rejuvenated with greater health to carry on his work. Then, production improves. Suppose one month's leave is given to every worker, naturally one-twelfth of the total number of workers will have to be recruited. So that, the cycle goes on and the continuous work goes on. There is no loss of production. Only a slight increase in the cost of production will be there. That must be undertaken certainly to keep the working classes fit and to maintain them and to make life safe for them. Otherwise, after one or two generations, we may not be able to find workers. We must maintain these working classes so that in our expanding industries in the next Five Year

Plans, we may have a more and more strong body of workers to build our nation.

As regards overtime, I for one would never wish any worker to do any overtime. They are paid double or 1½ wages as the case may be. In the factories, they are paid double rates. A miner, if he goes underground, if he takes the risk of his life, he is paid double wages. If he works on the surface, he gets only 1½ wages. In the factory, the worker does not go underground, but he gets double rates. The miner should get as much as the factory worker gets. I do not understand this distinction as to why he gets a lesser amount. As a matter of fact, why should a worker do overtime work when all his energies are taken away, when almost he is like a man in sleep after 8 hours of work. Why should he continue to work? Because the employer wants something urgent to be done, wants to exploit him still more. He must be paid to compensate for the additional physical strain and for the additional mental strain he has to undergo. That is why the Parliament in its wisdom decided that he should be paid much more, double rate in the factory. That amount should be paid to the miner also. This is the argument in favour of the amendment.

I would make a general proposition to the hon. Minister. He himself must have realised these difficulties and what havoc these differences between monthly paid workers and daily-rated workers are causing to the working classes in this country. At least as a beginning, I hope he will accept this small amendment in the Bill. The work is done by the real miners. They must get as much benefit as the white-collared people or other sections of the monthly paid staff who do not actually put in physical labour, get. At least, let us make a beginning. Let us bring the monthly paid staff and the daily-rated workers on a par in the matter of leave. I hope that if this is conceded, my hon. friend Shri T. B. Vittal Rao may probably be willing to bring down 30 days to 15 days' leave for both. I hope the hon. Minister will at least agree to my suggestion and accept this small Bill regarding the question of leave and overtime wages.

4 P.M.

Dr. Jaisoorya (Medak) : I wish to support this amendment which Shri Vittal Rao has brought in for two reasons. There is no uniform law as applicable to all the coal mines. There are small coal mines, big coal mines. Some are very badly run, some are fairly well run.

There are two things I have noticed. The shift of eight hours of a worker is not calculated in some coal mines from the time the man reports himself at the pit-head to the time he returns to the pit-head, as it should be. Very often he has to go down a shaft and proceed as far as one mile or 1½ miles, and then his eight hour shift is supposed to begin, so that actually he does not put in only eight hours, but much more than eight hours. That is now not noticed. That is one point.

Secondly, the British coal mining industry is one of the most backward in Europe. It has not yet mechanised as is the case, for example, on the Continent or in America or even China, and the health problem of the coal miners or those who work underground is not paid that attention as, for example, is done in China and Russia. For instance, it is a law in Russia and also China that nobody should be underground for more than six hours. In heavy chemical industries, poisonous chemical industries, nobody should work for more than four hours. That is counted as a whole day. In our socialist pattern of society about which I have just been reading, a lot of fine, pious resolutions and proposals are being made. They are pious wishes, but we can translate them into reality. I think our Second Five Year Plan has already begun, is it not?

Shri Kamath (Hoshangabad) : The period has begun, not the Plan.

Dr. Jaisoorya : A very good thing. Let us start straight off with this proposal and make these pious wishes a reality. We are going to discuss it long and broad, but here is a simple proposition. I am going to judge this Government's sincerity, whether it means really something serious with this fine Second Five Year Plan, by the test whether it is going to reject Shri Vittal Rao's proposal, a mild, simple proposal, or not. From today I will judge your *bona fides* by the test whether you accept it or reject it.

The life of the coal miner is much shorter due to silicosis and anthracosis which generally fill the lungs and make him susceptible to tuberculosis and other diseases. And therefore, in China and

[Dr. Jaisoorya]

Russia they are forced to go to a health sanatorium every year, fully paid. Is there any such thing here? The hon. Minister has disappeared.

An Hon. Member: There is another Minister standing over there.

Dr. Jaisoorya: Is there any such health resort here where it is compulsory for coal miners or those working underground to go at Government expense to recuperate their health? You are not going to give him a sanatorium. At least give him one month's leave to go and recuperate his health. What is wrong with that? What is stupid about it? What is criminal about it? You do not want this, you do not want that, and then you give me a summary so big with pious wishes. Let me see you fulfil it from today.

Shri Satyendra Narayan Sinha (Gaya West): I also rise to support the amendment of my friend Shri Vittal Rao. It has a limited objective, to remove the discrimination between the factory workers and the workers in the coal mines and other mines. I do not suppose the Government should have any difficulty in accepting this most reasonable and modest demand as contained in this measure.

My knowledge of the coal mine workers is not as wide or intimate as that of Shri Vittal Rao who has made a very elaborate speech in moving the Bill. He has shown to the House how the production has increased, how the colliery owners are making huge profits and how the workers' wages have not kept pace with the rise in profits. My knowledge of the colliery workers is confined to one single colliery where I also happen to be connected with a labour union, and I can tell you with my own little knowledge of things that even the little bit of welfare measures for which obligation is laid upon the colliery owners and managers is not being carried out. The inspection is most perfunctory and infrequent. I will not go as far as Shri Rao has gone, but the inspector of mines or the chief inspector of mines is ineffective in the matter of reporting breaches of the rules and by-laws or non-fulfilment of the obligations imposed upon the colliery owners. I do feel from my own knowledge of things that they have not been able to carry out the obligations imposed on them. Perhaps the inspection has not been as thorough or detailed or as vigilant as it ought to be.

My own experience is that even in respect of sanitation, supply of drinking water, good housing etc., the colliery owners are absolutely indifferent. I found that the manager of the colliery must have water supply for his gardens, but he was not making arrangement for supply of drinking water to the colliery workers. This was something which was heart-rending when I saw it. On enquiry from my friends who are working there all the 24 hours I found that it was brought to the notice of the inspector, but no action seems to have been taken either because the inspectors find themselves ineffective against the big bosses of the collieries or because they found that their reports were not acted upon. Something of the kind must have happened. That is why this flagrant breach of the obligations on the part of the colliery owners is committed.

What is demanded in this Bill is quite simple. It wants this discriminatory treatment to go, and I believe that the Government would not find any difficulty in accepting this amendment.

Shri N. Rachiah (Mysore—Reserved—Sch. Castes) *rose*—

Mr. Chairman: How much time will the hon. Deputy Minister take?

The Deputy Minister of Labour (Shri Abid Ali): Twenty minutes.

Mr. Chairman: How much time does the hon. Member want?

Shri N. Rachiah: Whatever time you allow.

Mr. Chairman: Three or four minutes.

Shri N. Rachiah: I am glad to support this Bill because this is a very simple Bill aimed at giving leave and also tenure of employment for the poor workers in the mines. I have also moved with some mine workers. As Shri Vittal Rao has said, in other countries they have been very considerate. Apart from this relief which is sought by this Bill, they have been given lots of other social protection and encouragement.

So far as this Bill is concerned, it seeks to provide:

> "Every person employed in a mine who has completed a period of twelve months' continuous service therein shall be allowed, during the subsequent period of twelve

months, thirty days' leave with full pay or wages based on the average pay or wages for the twelve months immediately preceding the leave, as provided in section 52".

This provision is very simple, but its implications will be very helpful to the poor workers in the mines.

In this connection, I would like to controvert one statement made by my hon. friend Shri T. B. Vittal Rao. I know that he is one of the great champions of industrial labour. But he charged the Ministry with having been inefficient and indifferent to the workers' interests. There, I do not agree with him. The Ministry has been efficient, and it has been doing its work. But I have one criticism to make against this Ministry and that is this. While this particular Ministry at the Centre has been fully utilising all the funds and giving great attention to the encouragement and protection of industrial labour, it has not paid sufficient attention to agricultural labour. Even under the Second Five Year Plan, our Government have not done full justice to the agricultural labourers.

Shri T. B. Vittal Rao : They also come under this Ministry.

Shri N. Rachiah : Even if all the industrial labour is put together, it would not be equal to even one-tenth of the agricultural labour. And yet this Ministry has been more sympathetic and considerate and liberal in the matter of giving amenities to the miners and other industrial workers, than to the agricultural labourers. I hope every hon. Member in the Opposition will appreciate my point.

If you compare the position of the common man with that of a labourer in any field including agriculture, in other countries, you will find that the common man is always economically better off than the worker. That is what I have seen in other countries. But here in this unfortunate country, where according to me, the common man is the agricultural labourer, it is not so. I hope the whole House will agree with me on this point.

Mr. Chairman : The hon. Member should conclude now, because there is no time left.

Shri N. Rachiah : I am concluding presently. In our country, the common man has not been given his due or fair share or place in our society.

I am interested in the workers in general and particularly in the agricultural labourers, and I therefore wanted to speak some more things about the agricultural workers. But since the time is short, I shall conclude with the hope that our friends opposite will give more attention hereafter to the emancipation of agricultural labourers. Now that the Second Five Year Plan is in the offing. I would appeal to the Minister to take some more interest at least from now in the matter of giving protection to the agricultural labourers. With these words. I support the Bill.

Shri S. C. Deb (Cachar—Lushai Hills) *rose—*

Mr. Chairman : I am afraid there is no time now. Already, we have exceeded the time-limit. The Minister requires about twenty minutes for his reply.

Shri Abid Ali : I am also aware of the hazardous nature of the work which the miners have to do. It is popularly said that when a pilot or a miner leaves his home, he does not say good day to his relations, but he says good-bye to them. If he comes back, it is an accident, and of course, his people are happy. Keeping that in view, and keeping also the economic condition of the country in view, we are doing all that is possible not only for the miners but also for the workers in other industries.

But I was very much surprised when I heard the hon. Members opposite quoting certain figures. I do not know wherefrom they have got these statistics. On a previous occasion, the hon. Member, Shri T. B. Vittal Rao, had said something about accidents in the mines of Russia. I could not find any reference to them in any book. I wrote to my hon. friend requesting him to let me know the source from where he obtained those figures. I sent him a reminder also, but he was not good enough to oblige me.

Shri T. B. Vittal Rao : I told you.

Shri Abid Ali : It is easy to make a statement on the basis of some figures which have no foundation from any reliable source. My hon. friends opposite have still got that habit, and they go on persisting in that.

[Shri Abid Ali]

As regards accidents in mines, the hon. Member from Bengal had quoted some figures. I compared them with the figures that I have got, and I was really astonished. The figures that I have here —they are published from time to time —show that there has been a little increase in earlier years; but that increase was because the mines in the former Indian States had been amalgamated and brought under the Indian Mines Act. Formerly, the Indian Mines Act was not applicable to them. But subsequently, there has been a consistent decrease in the number of accidents in mines. Of course, in 1954, there was a little increase because of the accident in the Newton Chikli colliery. But in 1955, in spite of the big accident in Amlabad, the figure has gone down to 0·66.

Shri T. B. Vittal Rao : Is that figure in respect of coal mines?

Shri Abid Ali : Yes. I am reading from a statement showing accidents relating to mines. I am saying, mines generally.

Shri T. B. Vittal Rao : Not coal mines, but all mines put together.

Shri Abid Ali : When I compare this figure with that in other countries, this is what I find. Of course, so far as the Russian figures are concerned, the hon. Member has been quoting them, but I could not put my hand on the figures from that country. But so far as the other countries are concerned,—I have given the information on many previous occasions—I find that we compare very favourably with even the most advanced countries. In Germany, the figure is 1·35, in Australia 1:09, and in USA 1·46, and in the Union of South Africa 1:56. When I compare our figures with the figures of these countries in respect of accidents, I am happy to find that our figure is small. I shall be happier still if there is no accident at all. But as I have said previously also, we are trying our best to minimise the number of accidents and their severity. To say that accidents will be completely stopped in the mines is impossible. Just as long as there are automobiles in the streets, and people walk, and there are cyclists, accidents are bound to take place, similarly so long as mines are there, accidents are bound to take place. Only we have to make efforts to minimise their severity and their number.

Shri T. B. Vittal Rao had said that we have done nothing with regard to the reports which were submitted to us following the two accidents. I do not know on what basis he has made this statement. Substantial work has been done. More staff have been engaged, and special enquiries have been conducted, and some actions also have been taken. But unfortunately, even Members of Parliament, not only from this side but from every side of the House, the moment an action is taken against any employee or an officer belonging to any cadre of government service, come forward and say, please do not be so harsh. If no action is taken, then there is complaint. I would request hon. Members to believe that we also do go very much deep into the facts concerning this matter, and whatever is done is done with honest intentions and in the interests of the workers who are engaged in these operations, and therefore, let not any Member be enthusiastic enough to support anyone without knowing what the facts of the case are, and thus try to influence us by saying that the action which has been taken is wrong.

As regards over-time payment in other countries, hon. Members have made certain statements. But I find that nearer home, in Pakistan, the miner has to work for 10 hours per day, and even in Russia I find that the miners have to work for eight hours.

An Hon. Member : No, no.

Shri Abid Ali : Yes. So far as overtime payment figures are concerned, these also compare very favourably. In USA, it is 50 per cent. of the normal wage, in UK it is 25 per cent. for the first two hours, in USSR it is 50 per cent. for the first two hours and in India, we pay to underground miners 100 per cent. extra overtime, that is, double.

Shri H. N. Mukerjee said that Government should prove that they are going towards the goal of socialistic pattern of society by accepting this suggestion.

Shri T. B. Vittal Rao : Not socialistic, but socialist.

Shri Abid Ali : If this much done by us will convince him that certainly we are going towards socialism, then I am sure he would be happy.

So far as the difference in overtime payment as between underground workers and those working on the surface is concerned, we ourselves have been thinking of making these labour laws uniform for the workers in various industries and sections of them. About the difference between fortnight's holiday or leave with pay, and the provision about one week, we want to remove that also. We have made a statement about this several times during question hour. Wherever shorter holidays are given, we want to bring them up to the standard laid down in the Factories Act. As regards the disability regarding workers becoming entitled to leave, if the number of days of presence is not sufficient, so far as mines are concerned, we want to reduce it also to the standard laid down in the Factories Act.

But as far as illegal strike is concerned, I cannot accept the suggestion made, because the workers should not go on illegal strike. They should not go on strike, except if it becomes absolutely necessary for them to do so, we except them to keep that right in their pocket for the time being, but they should not go on illegal strike. So far as that deficiency is concerned, I am afraid I may not be able to help.

So far as wages are concerned, it was said that there was no increase. During the budget discussion, I had quoted figures, and I hope hon. Members who were present then—Shri T. B. Vittal Rao was not present then—must have been convinced, that wages have increased not from Re. 1 to Rs. 2, but the actual wage in terms of the increase in the cost of foodstuffs, cloth etc. has increased. The award which has been delivered by the Tribunal is being printed and it will be out within ten days. I am certain that miners will be very much happy that they have got a substantial increase in the wages.

One hon. Member referred to the care of the workers. I may submit that we have already inspectorate so far as the health of the workers is concerned. It is for the prevention of industrial diseases in mines, which in most cases are connected with the nature of work, with the lay-out and equipment of mines. The object is to promote the general health of workers by improving the environment, to conduct research and investigation in occupational diseases with a view to preventing their incidence and to enforce legislation affecting the health and efficiency of workers in mines. So an inspector with the designation of medical inspector has been appointed for the mines. He has already started work. Many more inspectors are being appointed. We ourselves are sufficiently alert so far as this matter is concerned. They should have potable water supply. It is not that any obligation is being done to them, but it is our duty; we should do it, and we are doing it. It is not that we have got a magic stick with the help of which something can be done immediately. But I am sure friends who are honestly in touch with what is happening will be convinced that all that is possible under given circumstances is being done.

I have explained the position as it is and I expect that hon. Members opposite, when they deal with these subjects, should be nearer the reality. Of course, it is, I should say, their duty also to criticise, but that criticism should remain within reasonable limits and should not be far away from facts. Our miners, I am sure, will be substantially benefited so far as the award is concerned.

So far as these small disabilities are concerned, we want to bring these mine workers also in line with other workers. I am sure that will satisfy the hon. Member. So far as the suggestion regarding one month is concerned, that is not acceptable, because there will be a substantial difference between the factory workers and miners. Those who are in clerical and other sections are paid monthly and they will continue getting one month's paid leave for every year. We are not touching that. Those who are working on the weeks basis will get the benefit on the same basis as provided in the Factories Act.

With these words I oppose the Bill, as it stands, and if the hon. Member is not prepared to withdraw it, I will request the House to reject it.

Dr. Jaisoorya: On a point of information. The Deputy Minister said that health inspectors were appointed. Are these health inspectors conducting periodic mass radiograhpy?

Shri Abid Ali: I have mentioned the functions of the medical inspector and his department. They will be doing that. Of course, so far as silicosis and other things are concerned, they are being attended to.

Dr. Jaisoorya : At present, nothing is being conducted.

Shri Abid Ali : So far as coal is concerned, that is being attended to. We have a regular department. There is no silicosis in coal mines, as the hon. Member knows.

Dr. Jaisoorya : Anthracosis also.

Shri Abid Ali : It is in gold and mica mines.

Dr. Jaisoorya : Silicosis is there.

Shri T. B. Vittal Rao : I am very glad that at least now I have got an opportunity to reply to the Minister.

It is a fact that I quoted from one of my articles about some figures about the Soviet Union. They were given to me by the Chairman of the Soviet Miners' Trade Union. I could not get at any publication and I informed the Minister accordingly.

About the conditions referred to in mines in Bihar, I would only make a passing reference. If Shri Asoka Mehta had been here, he would have borne me out. He was prevented from entering a mine for four hours by the *goondas*, by the police and all those people.

Shri Abid Ali: On a point of order. I would like to know how this is relevant—the reference to *goondas* and others. The proposition here is about leave, overtime payment and so on. Of course, I am not afraid of *goondas*. I can face them. But all this is irrelevant. (*Interruptions.*)

Shri Kamath : *Goondas* are everywhere.

Shri Abid Ali : That I know.

Mr. Chairman : This is a reply by the Mover. The hon. Minister has not mentioned anything about *goondas*. So why does the hon. Member refer to all these things? Let him please reply shortly to the points.

Shri T. B. Vittal Rao : Shri Asoka Mehta has told us that the conditions obtaining in these mines are barbarous.

Then again, he quoted the figures for America and Germany. It is very easy to quote figures. The accident rate is given for a thousand workers. Even if the B States have come under the Mines Act from 1st July, 1952, the accident rate will be for thousand workers employed. There cannot be any decrease. It has been increasing. I am quoting the I.L.O. figures. In the United States of America where the production is 458 millions tons per year, that is 12 times more than what we produce, the number of miners killed is 547, whereas here, the annual number works out to 330. I can prove these figures. If the hon. Minister was sincere enough, he could have given the figures of number of workers killed per million tons. That would have been correct.

Shri Abid Ali : Let him quote it: that report is with me here.

Shri T. B. Vittal Rao : I said that no action has been taken about the recommendations of the Court of Enquiry. The appointment of a high-power commission has been recommended by the courts of enquiry to go into the safety measures in the mines. In the United Kingdom, this is being done once every 5 years. Here, it has never been done even once though we have been working our gold and coal mines for 60 to 70 years. The reports were submitted 10 months ago. Let us be frank; the hon. Minister asked me to be near the reality. I ask the hon. Minister to be near the reality. (*Interruption.*)

There was a Court of Enquiry appointed to go into the accident at Sawang colliery, a Government colliery. The Chief Mining Engineer, in collusion with the Chief Inspector of Mines, delayed the prosecution with the result that the case was dismissed as being barred by limitation of time.

Shri Abid Ali : Which colliery?

Shri T. B. Vittal Rao : The Sawang colliery where Bhattacharya and the other man were held responsible for the accident, for killing 11 people.

Shri Abid Ali : Then, what happened?

Shri T. B. Vittal Rao : Nothing.

Shri Abid Ali: I am glad. (*Interruption.*) I wanted to know whether he knows what is being done.

Mr. Chairman : This is not the time to bring in new matters.

Shri T. B. Vittal Rao : Eleven persons were killed and the manager was held responsible by the Court of Enquiry in which there was a Congress M.L.A. The prosecution was deliberately delayed by the Chief Inspector of Mines and the case was dismissed.

What I demand is this. There has been an increase in the productivity of the labour; there has been an increase in the production of national wealth; but, there has not been a corresponding increase in the wages, nor even in the amenities of the workers. When we come and ask for.....

Shri Abid Ali : Wait for 10 days; you will get plenty.

Shri T. B. Vittal Rao : Even for the small increase recommended by the Tribunal, they have appointed a committee to go into the cost structure and report. If they are going to get anything, it is at the cost of the consumers and the employer's profit will remain. This is the sort of socialist pattern of society that our Government is going to build.

Mr. Chairman : The question is :

"That the Bill further to amend the Mines Act, 1952, be taken into consideration."

The motion was negatived.

Mr. Chairman : The next item stands in the name of Shri V. P. Nayar; he is absent. So, we take up the next item.

INDIAN ADOPTION OF CHILDREN BILL

Shrimati Jayashri (Bombay-Suburban) : I beg to move :

"That the Bill to provide an adoption procedure to safeguard the interests of adopted children and the rights of their natural and adoptive parents, be taken into consideration."

Last year, there was a news item in the *Statesman, Cradle saves babies from dustbin*. The news said that six years ago a new-born baby was found in a dustbin in New Delhi, a little girl, a pretty baby but only barely alive. She was rushed to a hospital and willing nurses cleaned her of the filth of the dustbin and she was given expert medical attention. The baby lived and was later quietly adopted by a well-to-do couple, who had no children. She is now in foreign country where her parents are posted.

We all know that there are so many institutions where such unwanted children are sent. In some of the juvenile courts also, I know that many destitute children are brought before the courts. It is a difficult question where to send these children. We have not got enough homes and even if we have got homes, the best thing that a child should have is the love of the parents. That is the most natural thing.

At present, I know that in our Hindu law there is adoption procedure. But, there, the object of adoption is two fold, spiritual and secular. The spiritual aspect consists in offering ablutions by the adopted son to the adopter and his ancestors, while the other aims at perpetuation of the family. In my Statement of Objects and Reasons, I have said that there is what they call at present the *Dattakavidhan*. That does not fulfil the present needs of a Welfare State. We should have such legal procedure which will safeguard the interests of the adopted child as well as the parents, natural as well as adoptive. In the Hindu law, only the husband has the right, and if the widow wants to inherit, she must have had the previous consent of her husband. So, the right is not allowed to a woman to adopt. In the Hindu law, only male children are adopted and girls are not adopted. In the Hindu law, they can adopt children of their nearest kith and kin and not of any other community. The Hindu law prevents adoption to parents if they have any children. But according to my view, even if adoptive parents have children, if they want to have a child, they can adopt. In Hindu law the widow adopts the child sometimes much older than herself. It is from the point of view of giving them the hereditary line. But according to this law, I have given more emphasis to the humanitarian point of view. If the parents want to adopt children because they have no children or they feel sympathy for the child who is homeless, who is parentless or who is neglected, they can do so. At present, as I stated, such children come before so many juvenile courts. Through the Indian Council of Child Welfare, I had requested the Director of the Children's Bureau to get the opinion of magistrates

[Shrimati Jayashri]

of juvenile courts and superintendents of orphanages, and I am glad to say that many have given their replies, supporting this measure. Their experience is also given to me. Whereas formerly adoption was resorted to chiefly in the interest of the adoptors, today the sign is unmistakably in the interest of the child. What is adoption? They have explained that adoption is a legal method by which a child becomes part of a family other than that of its natural parents. Guardianship also accomplishes this purpose, but adoption is a more permanent action since it cannot be set aside. The child's surname may be changed and he becomes the legal heir of the adopter. The motive for adoption should be the desire to bring about a happier life for both the child and the adopting parents. The results of adoption are definite and far-reaching for all concerned and determine the course of the child's future.

Therefore, every possible safeguard must be maintained to assure the rightness of the action for all concerned, and that is the reason why our welfare State should assume responsibility for the safeguarding of the propriety of adoption by empowering the probate courts or whatever agency to approve or disapprove of adoptions.

In this Bill there are clauses which help also in finding out whether the termination of parental rights are secured. I will later read out the opinion with regard to this point by Shri D. V. Kulkarni, Inspector of Certified Schools in Bombay. At present I will say that it is a suggestion, but I had invited suggestions from various women's organisations also. The Bombay State Council have sent their suggestions, one of which is about the agency, which should give away the child, that is, that a statutory body or an All-India social welfare agency, with branches in the various parts of the country, or a Government-approved institute or agency should be appointed as an Adoption Council, with the sole function and authority of giving adoption, and investigation and supervision according to the relevant procedure or procedures of adoption. In my Bill, I have mentioned about institutions which will get authority to give away the child, but against that, they have stated that there should be a welfare agency and that institutions should not be allowed. There is the opinion expressed by Shri Kulkarni for this namely, that we have to be very careful, because according to this Bill, girls also will be given away in adoption. In their case, we have to be very careful because they may be exploited by institutions. We have at present formed the Indian Council of Child Welfare which has branches all over India. I would request the Minister to give this right to the Indian Council of Child Welfare which has got branches all over India and can be the agency for approving of all adoption to those parents who want to adopt children. In case legal provision for termination of parents right is made in the Children's Act, there should be reciprocal provision for restitution of parental rights. In this Act they have got the termination of parental rights and he has suggested that this kind of termination of parental rights should also be included in the Bill. He has said that section 7 of the Act does not in itself provide for termination of parental rights. He has also suggested that some such clause should be added.

The Delhi Magistrate, Mrs. Pahwa, has given this information. She writes:

> "I have discussed the present existing Hindu Law of Adoption. From all this it is very clear that for adoption the presence of the natural family and the adoptive parents is very very essential and giving and taking is a part and parcel ceremony of the legal adoption. Where the child is an orphan or abandoned child and where the parents are not traceable these conditions cannot be fulfilled in the present Hindu Law. When such like children are given in adoption in the Court the statements of the adoptive parents is taken to the effect that they shall be responsible for the upbringing, education, maintenance and marriage of the adoptive son and on this statement the child is given in adoption to them through the court. By this method the child is quite safe for his upbringing, maintenance, education and marriage, etc. The difficulty will arise if the adoptive parents die intestate or want to part the property in somebody else's favour. The adoptive child legally cannot claim the immovable property but if the father so wishes he can part his property by gift or by will. In order to legalise all this I have already moved the Government for having a

special adoption Act where the destitute and orphan children can be legally adopted and can have all the rights of a natural son."

Recently we had a symposium arranged by the Indian Council of Child Welfare and Shri Pantji presided. There also, Mr. Shastri of the Planning Commission said that it was very necessary to have proper adoption laws. That is what he has said. Shri V. V. Shastri of the Planning Commission says:

"A comprehensive enabling adoption law was necessary if a large number of destitute children were to be taken care of."

My Bill also aims to help such children. Many parents leave their children on the roads due to poverty. The police have to take such children to the juvenile courts. The difficulty is, keeping such children. We have not got enough orphanages. Even if there are orphanages, the management is not very desirable. We have also brought another Bill for licensing such orphanages. Our idea was to safeguard the interest of the children. So far that Bill has not been passed in this House. Such a law as the one which I envisage is necessary and homes for children are also most necessary. But that cannot provide the natural love that is desirable for such destitute children and that is the main idea for bringing this Bill.

I, therefore, appeal to the Minister to accept my suggestion. I know there may have to be some lengthy processes etc. in the courts. I am willing to accept any amendments which he thinks are necessary and which may be useful in making the procedure more simple and more useful to all the institutions as well as to those parents who desire to adopt children.

There is another thing which I want to point out. In the same article which I read out, there was another example of adoption. In that there is mention of one instance where the parents who had taken the children wanted to return them. In such cases it is very necessary that there should be a procedure by which the interests of the children are safeguarded. If the children are returned back, then who will be responsible for them? There are also cases where the natural parents after some time have claimed their children from the parents who have adopted them. In such cases injustice is done to the parents who have adopted the children. I would, therefore, appeal that for safeguarding the rights of both natural parents and adoptive parents as also the children, sufficient protection should be provided in our law.

I hope the Minister would give his consent to the passing of this Bill. I know that he has got an idea of bringing another Bill, as a part of the Hindu Code Bill. That will be useful to the Hindu Community. But, when we have an idea of having a unjform law which can govern all the communities, I would say that the Minister should accept this. Along with this, the Guardianship Bill which is pending before the House can also be made applicable to all the communities and not only to Hindus. Therefore, both the Bills—the Adoption Bill and the Guardianship Bill—can be made more broader so that they can apply to all the communities and not to Hindus alone. As I said before, the Hindus have got at present the Adoption Law, but the other communities have no such law. That is why this Bill has been brought. I would, therefore, once again appeal to the Members to pass this Bill.

Mr. Chairman: Motion moved:

"That the Bill to provide an adoption procedure to safeguard the interests of adopted children and the rights of their natural and adoptive parents, be taken into consideration."

Before we proceed with further discussion on this Bill, the hon. Minister for Parliamentary Affairs will make a statement regarding the programme of Government business for the next week.

BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, with your permission, I rise to announce the order of official business after the passing of the Life Insurance Corporation Bill on or about 22nd May and up to the end of the session on 30th May.

Shri Kamath (Hoshangabad): Not 31st?

Shri Satya Narayan Sinha: 30th May, 31st is what the other House has decided.

[Shri Satya Narayan Sinha]

The Travancore-Cochin State Legislature (Delegation of Powers) Bill will be taken up for consideration on 22nd May if time permits. According to the present schedule this will go right up to six o'clock and then we may have half an hour. That is why it is said: "if time permits".

Shri V. P. Nayar (Chirayinkil): If time will not permit, will it be taken up this session?

Shri Satya Narayan Sinha: Hear me. Discussion on the Second Five Year Plan will be provided on 23rd, 25th and 26th May. As it has been decided to discuss a part only of the Plan during this session and resume the discussion in the next session it is proposed to conclude the discussion on 26th May.

5 P.M.

Consideration of the Travancore-Cochin State Legislature (Delegation of Powers) Bill or its further consideration —if it is not taken up on that day— as the case may be, and consideration of the Indian Income-tax (Amendment) Bill will be provided on 28th May. Time permitting, discussion on the working of the Preventive Detention Act will also commence on that day and continued, if necessary, *after* the passing of the Constitution (Tenth Amendment) Bill which will be brought forward for consideration and passing on 29th May, because it has already been announced that it will be taken up on that day.

The last item of business will be further consideration of the motion for reference to a Joint Committee of the Copyright Bill, if we have the time at our disposal.

Shri Kamath: I rise on a point of clarification. Though the time of announcing of the business has been deferred from 11-30 to 5, I am glad to see that this new convention which I suggested sometime ago and you and the House were pleased to approve, is taking root. So, the hon. Members opposite as well as on this side of the House could plan their business within and without Parliament more effectually. Nevertheless, I am constrained to say that there is a somewhat morbid hangover of a rather serious magnitude from the unplanned past. I find from the bulletins that are given to us from time to time that there are 36 pending Bills today, some of which have been pending since 1952. Some were sent by the Rajya Sabha to this House and they have been pending. Unfortunately, the Government has taken rather an undue advantage or an unfair advantage of the language of article 108 of the Constitution. Article 108 says:

> "If after a Bill has been passed by one House and transmitted to the other House—
>
> (a) the Bill is rejected by the other House; or
>
> (b) the Houses have finally disagreed as to the amendments to be made in the Bill; or
>
> (c) More than six months elapse from the date of the reception of the Bill by the other House without the Bill being passed by it,
>
> the President may,—

they have taken unfair advantage of this word 'may'—

> "unless the Bill has lapsed by reason of a dissolution of the House of the People, notify to the Houses by message." etc.

These Bills are pending since 1952: the Punjab Municipal (Delhi Amendment) Bill introduced on 10th November, 1952; the Indian Railways (Amendment) Bill laid on the Table on 3-9-1953; the Patents Bill introduced on 7-12-1953.

Mr. Chairman: All these have not been received from the other House.

Shri Kamath: Some of them have been received from the Rajya Sabha. For instance, the Children's Bill, 1954, was received from the Rajya Sabha. These Bills have been pending for more than six months, for two years. Simply because the article uses the word "may", the Government has thought it fit not to proceed further with those Bills, on the assumption that the President will not take action under this article, because it is not mandatory, but only recommendatory. I understand in the House of Commons—our Constitution also is based on the U.K. practice when a session is prorogued, the Bills automatically lapse. But, here they do not lapse. That is why the Government is delaying this matter. This sort of thing should not be allowed to go on. There

are 36 pending Bills and I would earnestly request the Government to take them up in the next Session. The next session should be better planned and these Bills should not be lost sight of, but should be disposed of in the next session. I hope the Government will take care to see that the next session is planned much better and much more efficiently than before.

Shri Satya Narayan Sinha: It is true that some of the Bills which have been passed by the Rajya Sabha have not been put through in this House. I would like to point out that the last three or four sessions were so crowded and comparatively more important business was put through. I cannot promise that the Government will put through all these Bills in the next session also. As the House is aware, the next session also is going to be very crowded and very important Bills like the S. R. Bill and the Constitution Amendment Bill are going to be taken up. Government will take up some of the Bills enumerated by my hon. friend. It is only a question of priority and importance of the legislation. As far as the Bills which have been passed by the Rajya Sabha are concerned, we will certainly find time for those Bills which the Government think are very very important. Otherwise, as my hon. friend said, they might lapse.

Pandit Thakur Das Bhargava (Gurgaon): What are we discussing now? The programme was just read out to this House. There is no motion before this House, so far as these Bills referred to by Shri Kamath are concerned.

Mr. Chairman: It is a matter of interest to each and every Member of the House; I do not think we are barred by any rule.

Pandit Thakur Das Bhargava: I am sorry there is no specific motion in regard to these Bills referred to by Shri Kamath before the House. Only the programme has been read out for the next week. Without a motion, this matter cannot be taken up. It is a very serious matter that my hon. friend has raised. I do not object to it, but there is no motion before the House. All the Members are not here; we did not know that the matter is coming up. Therefore, this matter should not be further discussed. We should proceed to the next business before the House.

Mr. Chairman: There is no question of lengthening the discussion on this. The programme was read out and incidentally, the matter was raised. I think the matter should be more properly raised in the Business Advisory Committee. Anyhow, Pandit Thakur Dasji has to lay some report on the Table; let him do so, before we proceed further with this discussion.

RULES COMMITTEE

FOURTH REPORT

Pandit Thakur Das Bhargava: (Gurgaon): I beg to lay on the Table of the House, under sub-rule (1) of rule 306 of the Rules of Procedure, a copy of the Fourth Report of the Rules Committee.

BUSINESS OF THE HOUSE

Shri Kamath: The Minister of Parliamentary Affairs said that the Travancore-Cochin State Legislature (Delegation of Powers) Bill would be taken up, if time permits. This morning, when the Speaker was in the Chair, an assurance was given that it would be taken up in this session. Is that correct? If it is not taken up on the 22nd, will it be taken on the next day?

Shri Satya Narayan Sinha: I said it would be taken up on the 22nd if time permitted. Otherwise, it would be taken up later. But, I made it perfectly clear that the Bill would be put through in this session. If there is time after the business of the House is finished on the 22nd, then this Bill be taken up. But, if it is not done, it may come later on 28th or the 29th. Certainly that Bill will be put through before we disperse.

Shri Kamath: How much time will be allotted for that?

Mr. Chairman: The Business Advisory Committee will look into that. Now, we proceed with the motion before the House.

INDIAN ADOPTION OF CHILDREN BILL—*Contd.*

Mr. Chairman: We shall now proceed further with the Indian Adoption of Children Bill, which was interrupted for making the announcement about the programme for next week.

श्री राधा रमण (दिल्ली नगर) : सभापति जी, अभी सदन के सामने जो विधेयक हमारी बहिन श्रीमती जयश्री रायजी ने बच्चों को गोद लने की रस्म के सम्बन्ध में रखा है, मैं उसका हार्दिक समर्थन करता हूं। मैं देखता हूं कि हमारे देश में गोद लेने की प्रथा बहुत जमाने से चली आई है और विशेष कर हिन्दुओं में जहां परिवार को कायम रखने की इच्छा होती है, बच्चों को गोद लिया जाता है। खाविंद के जीते जी किसी भी परिवार में एक बच्चे को गोद लेना बहुत मुनासिब और सही समझा जाता है और सैंकड़ों रस्में इस प्रकार की होती हैं, मगर जो गोद लेने को रस्म हिन्दुओं में मौजूद है, उस में आज बहुत सी त्रुटियां देखने को मिलती हैं। जब हम इस प्रकार बच्चों को गोद लेकर किसी अच्छे परिवार में शामिल करने की रस्म को देखते हैं और उसके बाद उस व्यवहार को देखते हैं, जो गोद लिये बच्चों के साथ किया जाता है तो ऐसा लगता है कि कोई न कोई त्रुटि उस रस्म में रह जाती है और आगे चल कर उसमें ऐसे परिणाम निकलते हैं, जिनमें अदालत और कचहरी की शरण लेनी पड़ती है। जैसे जैसे समय बदलता जाता है और हमारे देश का वातावरण भी बदलता जाता है और नये नये सामाजिक कानून हमारे सामने आते हैं, समाज और परिवार के पुराने ढांचे में तब्दीलियां होती जाती हैं। इसलिए इस बात की अत्यन्त आवश्यकता है कि इस कानून को भी बदला जाय। लेकिन हमारी बहिन ने जो विधेयक इस सदन के सामने रखा है, उसका अभिप्राय इतना सीमित नहीं है, बल्कि उस का अभिप्राय यह है कि सारे देश में चाहे हिन्दू समाज का कोई परिवार हो और चाहे हिन्दू समाज के अलावा किसी और अन्य जाति का परिवार हो, उसे कानून गोद लेने की आज्ञा मिले और इस सम्बन्ध में हमारे देश में एक ऐसा कानून हो कि हमारे समाज का कोई भी अंग उससे फायदा उठा कर अपने परिवार को कायम रख सके।

इसके साथ ही साथ इस विधेयक में एक दूसरा उद्देश्य भी छिपा है और वह बहुत ही अच्छा और सुन्दर उद्देश्य है। हम देखते हैं कि हमारे देश में गरीबी बहुत काफी है और ऐसे बहुत से परिवार हैं, जिनमें गुरबत की वजह से बच्चों का पालन-पोषण, उनकी पढ़ाई, उनके लिए आराम की जिन्दगी उपलब्ध नहीं होती। यह विधेयक उन परिवारों को उन लोगों को जो कि कई कई बच्चों के माता पिता होते हैं एक किस्म की सुविधा देता है कि अगर वे मुनासिब समझें अगर उनकी इच्छा हो, तो वे अपने बच्चों को ऐसे परिवारों में गोद दे सकते हैं जहां उनके लालन-पालन, देख-भाल और शिक्षा इत्यादि का प्रबन्ध अच्छी तरह किया जा सके, जिससे उन का भविष्य उज्वल हो इस बात की, आवश्यकता है कि हम जल्द से जल्द ऐसी व्यवस्था करें कि गरीब परिवारों के बच्चों को न सिर्फ राज्य द्वारा सुभीता मिले बल्कि जन साधारण में से भी अनेक परिवार ऐसे बालकों को गोद लेकर उनका भार स्वयं उठावें और ऐसे बालकों की शिक्षा, लालन-पालन ठीक प्रकार से हो, वे अपनी रोजाना की जिन्दगी ज्यादा आराम के साथ बसर कर सकें और अपना रहन-सहन अच्छा बना सकें। इस कानन के द्वारा हम उन बच्चों का भविष्य उज्वल बना सकते हैं, जो कि आज धूलि में रमे रहते हैं और जिनको न खाना मिलता है और न कपड़ा।

जैसा कि मैंने अभी निवेदन किया है, इस प्रकार के विधेयक की बड़ी आवश्यकता है। अगर हमारे देश के एक कोने से दूसरे कोने तक गोद लेने का एक समान प्रकार का कानून हो, तो उससे हमारा यह काम बहुत सहल हो जायगा और गोद लेने के हमारे वर्तमान विधेयक में तथा प्रथा और रस्म में जो बहुत सी त्रुटियां हैं, वे भी हम दूर कर सकेंगे। मुझे इस विधेयक में किसी प्रकार की कोई हानि नजर नहीं आती है और मैं यह समझता हूं कि यह अत्यावश्यक है, समयानुकूल है और इसके द्वारा हम उन छोटे छोटे, नन्हे नन्हे बच्चों के प्रति एक बहुत बड़ा कर्तव्य कर सकते हैं, जिनका भविष्य आज हम अन्धेरे में देखते हैं या जिनका लालन-पालन उन परिवारों में अच्छी प्रकार से नहीं हो पाता, जिनमें वे पैदा होते हैं।

इस का एक दूसरा पहलू भी है। जो परिवार बिना औलाद के हैं। जिस के यहां कोई बच्चा नहीं है। जहां स्त्री और पुरुष हर समय अपने घर को सूना पाते हैं। जिन को अपना जीवन शून्य नजर आता है। वह परिवार इस प्रकार एक बच्चे को गोद ले कर अपने घर में रस पैदा कर सकते हैं, अपने सूने घर को एक फुलवाडी में तब्दील कर सकते हैं और इस के साथ ही साथ उस परिवार की भी भलाई कर सकते हैं, जिस में वह बच्चा सही रूप में नहीं पल सकता है और अपने परिवार को कायम कर सकते हैं। इस लिये मैं इस विधेयक का हार्दिक समर्थन करता हुए सरकार से प्रार्थना करता हूं कि आवश्यकता इस बात की है कि हम ने अभी हिन्दू समाज के

लिए और अन्य जातियों के लिए जो नए नए सामाजिक नियम और कानून बनाए हैं, अगर उन के मातहत एडाप्शन के बिल में—गोद लेने के विधेयक में—या तरीके में आज-कल की स्थिति के अनुसार सुधार करते है तो सरकार इस विधेयक को स्वीकार करे और इस प्रकार से चाहे राज्य के द्वारा और चाहे उन परिवारों को गोद लेने की सुविधा द कर, जो कि धन से सम्पन्न हैं, समृद्धिशाली हैं, परन्तु औलाद के बिना बहुत निराश हैं, उन बच्चों की सहायता करे, जो कि डेस्टीच्यूट हैं और जिन के लालन-पालन और शिक्षा इत्यादि का प्रबन्ध उनके परिवार गरीबी के कारण नहीं कर सकते या जो बहुत गरीबी में पल रहे हैं।

इस सम्बन्ध में मैं कुछ अधिक कहने की आवश्यकता नहीं समझता, क्योंकि यह विधेयक ऐसा है, जिसके विषय में कुछ अधिक कहने की आवश्यकता ही नहीं है, बल्कि वह तो समय की आवश्यकता है इन शब्दों के साथ मैं अपनी बहन श्रीमती जयश्री रायजी के इस विधेयक का समर्थन करता हूं और सरकार से आशा रखता हूं कि वह इस विधेयक को मन्जूर करेगी।

पंडित सी० एन० मालवीय (रायसेन) : जनाब चेयरमैन साहब, हमारे माननीय मंत्री पाटस्कर साहब इस बिल को मन्जूर करेंगे, इस बात में मुझे कोई सन्देह नहीं है और इसलिए कि इसमें गवर्नमेंट को कोई खर्चा नहीं करना पड़ेगा। गवर्नमेंट जब किसी बात को मन्जूर या नामन्जूर करती है, तो उसमें ज्यादातर खयाल इस बात का होता है कि इस विषय में उसको रुपया खर्च करना पड़ेगा या नहीं। इसमें रुपये का खर्च नहीं है, सिर्फ गवर्नमेंट के आशीर्वाद की जरूरत ह और मेरे ख्याल से वह हमारे पाटस्कर साहब के पास इतना ज्यादा है कि वह इसको देने में कभी गुरेज नहीं करेंगे।

दूसरा प्रश्न यह है कि यह बिल मुकम्मल है या नामुकम्मल। जहां तक मैंने इसको देखा है, यह बिल मुकम्मल कहा जा सकता है। वैसे अगर हम इसमें त्रुटियां निकालना शुरू करें, तो इसमें बहुत सी त्रुटियां निकाल सकते हैं, लेकिन जिस उद्देश्य की सफलता के लिए यह बिल बना है, अगर हम उसको दृष्टि में रखें, तो हम अनुभव करेंगे कि यह बिल अपने आप में मुकम्मल है। बच्चे को गोद लेने के सिलसिले में जो भी बातें हैं यानी किस प्रकार का बच्चा हो, गोद लेने वाला कौन हो, उसका जाब्ता क्या हो और उस बच्चे का भविष्य क्या हो, उनके लिए इस बिल में सारी दफात मौजूद हैं।

इसके अलावा यह हमारी एक बहुत बड़ी सामाजिक समस्या को हल करता है। यह ठीक है कि हिन्दू समाज में और दूसरी सोसाइटीज (समाजों) में अपने अपने परसनल ला (व्यक्तिगत विधि) के मुताबिक एडाप्शन (दत्तक ग्रहण) का तरीका रायज है। ऐसे कानून हैं जिनके मुताबिक एडाप्शन (दत्तक ग्रहण) हो सकता है।

इसके खिलाफ एक ऐतराज हो सकता है कि वह किसी रिवाज के खिलाफ जाता है। लेकिन यह ऐतराज इसलिए नहीं उठ सकता कि यह चीज हुकमन जबरदस्ती नहीं की जा रही है। इस कानून का यह असर नहीं होगा कि किसी को एडाप्शन करना ही पड़े। आज कल हिन्दू समाज में जो एडाप्शन रायज है वह हो सकता है कि कुछ दुनियावी गरज से होता हो लेकिन उसमें ज्यादातर परलोक की दृष्टि रहती है। इसलिए बच्चे को गोद लिया जाता है कि वह गोद लेने वाले को पिंड दान दे सके और उसकी आत्मा को शान्ति दे सके। लेकिन इस बिल के जरिये तो हम समाज में जो नर्क बना हुआ है उसको स्वर्ग में बदल देना चाहते हैं। हमारे लिये यह बहुत अच्छी बात होगी।

हमारे मुल्क में ऐसे बच्चों की आज कमी नहीं है जो कि असहाय हैं, जो अनाथ हैं। उनके लिये कुछ अनाथालय खुले हुए हैं लेकिन फिर भी ऐसे लाखों बच्चे हैं जिनको इन अनाथालयों में जगह नहीं मिलती और जो दर दर की ठोकरें खाते फिरते हैं। अगर किसी ने कुछ खाना और कपड़ा दे दिया तो ठीक है, नहीं तो भिखमंगों की टोलियां ऐसे बच्चों को ले जाती हैं, उनको भीख मांगना सिखाया जाता है और इस प्रकार उनके द्वारा आमदनी करके उनका शोषण किया जाता है। कुछ जेब कतरों की टोलियां भी इस तरह के बच्चों को लेकर उनको जेब काटना और बुरे काम सिखाती हैं और इस प्रकार उनका शोषण किया जाता है। अगर हम इस कानून को पास कर देते हैं तो इससे इस सामाजिक बुराई को हटाने में बहुत मदद मिलेगी।

इसका एक नतीजा और भी होगा। आज बहुत से जोड़े समाज में ऐसे हैं जो कि विभिन्न जातियों में विवाह करते हैं। साथ ही साथ हम अपनी आबादी को एक हद तक महदूद रखना चाहते हैं और इसके लिये फैमिली प्लानिंग (परिवार आयोजन) और दूसरे किस्म के जरिये मुहय्या कर रहे हैं। इस बिल को पास करने का नतीजा यह होगा कि जो मातायें बिना बच्चे के होंगी उनकी गोद सूनी नहीं रहेगी और बच्चों को मातृप्रेम और पितृ प्रेम भी मिल

[श्री सी० एन० मालवीय]

जायेगा । मैं समझता हूं कि हमारे समाज में स्त्रियों की मनोवृत्ति बदलने में देर नहीं लगेगी और वे गोद लिये हुए बच्चों को अपने बच्चों की तरह ही समझने लगेंगी । इसलिए मेरा ख्याल है कि अगर यह कानून पास हो जाये और गवर्नमेंट इसको मंजूर कर ले तो हम उन अनाथ बच्चों की आत्माओं की दुआयें लेंगे जिनको अच्छे खानदान मिल जायेंगे, जिनको माता और पिता का प्रेम मिल जायेगा और जिनका जीवन सुधर जायेगा ।

जनाब चेयरमैन साहब, आपको विदित होगा कि हिन्दुस्तान में इतनी उथल पुथल के बाद आज ऐसे बच्चों की बड़ी संख्या है जिनका कोई पूछने वाला नहीं है । पार्टीशन (विभाजन) के बाद जो बड़े लोग आये हैं वे तो मेहनत मजदूरी करके किसी न किसी तरह अपनी गुजर कर लेते हैं, लेकिन जो बच्चे आये हैं उनकी बात कोई पूछने वाला नहीं है । यह ठीक है कि सरकार ने ऐसे बच्चों के लिए कैम्प खोले हैं जहां उनके खाने पीने का इन्तिजाम है, पढ़ाई का भी इन्तिजाम है । लेकिन फिर भी चूंकि हमारे फंड्स (निधियां) महदूद हैं, हम उतना नहीं कर सकते जितना कि हम करना चाहते हैं । लेकिन इस बिल के पास होने के बाद इस दिशा में बहुत प्रगति हो सकेगी ।

हमारी बहिन श्रीमती जयश्री रायजी केवल एक लेजिस्लेटर (विधान विधायक) ही नहीं हैं । मैं जानता हूं कि वे कितनी जबरदस्त समाज सेविका हैं । उन्होंने इस देश के नारियों की बड़ी सेवा की है और उनकी मनोवृत्ति को बदलने की चेष्टा की है । इस कानून के पास हो जाने के बाद उनका संगठन इस देश में इस भावना को भरने की कोशिश करेगा कि गोद लिया हुआ लड़का या लड़की यद्यपि उनकी अपनी संतान नहीं है लेकिन वे उसको अपने बच्चे की तरह ही प्रेम से रखें जैसे कि अपने पेट के बच्चे को रखते ।

[MR. DEPUTY-SPEAKER *in the Chair*]

और जब वे लोग इन बच्चों की अपने बच्चों की तरह से परवरिश करेंगे तो आप ख्याल फरमाइये कि समाज की कितनी जबरदस्त सेवा होगी । उन अनाथ बच्चों को घर मिलेगा और सरकारी तौर पर हम उनका जितना इन्तिजाम नहीं कर पाते उतना इन्तिजाम उनका हो जायेगा । उस घर में उनकी शिक्षा का, खाने पीने का और हर बात का इन्तिजाम हो सकेगा । मैं समझता हूं कि इन सब बातों को सोचते हुए सरकार इन बच्चों का भविष्य सुधारने वाले इस कानून को मंजूर कर लेगी और इसको पास करके हम न सिर्फ अपने मुल्क की फिजा को बदल देंगे और इन बच्चों को सहारा देंगे बल्कि हम इस बिल को पास करके अपने समाज की बुनियादी सेवा भी करेंगे । इस समय हमारा समाज एक बहुत जबरदस्त क्रान्ति में से होकर गुजर रहा है ।

अगर्चे अभी हमारे देश में जाति पांति घर किये हुए हैं लेकिन फिर भी जो पढ़े लिखे और समझदार लोग हैं उनके विचार आज शहरों से देहातों में जा रहे हैं और इस तरह से आज जाति पांति की बुनियाद ढहाई जा रही है । जब यह जाति पांति की बुनियाद ढहाई जा रही है तो हमको यह बात ध्यान में रखनी चाहिये कि ऐसा करने के लिए हमें किन किन चीजों की जरूरत हो सकती है और मेरा ख्याल है कि इस प्रकार का कानून भी हमको इस काम में सहायक हो सकता है और जरूरी है । इस काम को करने के लिये अभी हमने स्पेशल मैरिज ऐक्ट (विशेष विवाह अधिनियम) बनाया है, सक्सेशन बिल हमने पास किया है और इस तरीके से कुछ और कानून पास किये हैं । लेकिन उनमें हम कोई ऐसी जोरदार चीज नहीं लाये कि इस जाति पांति के किले की फौलादी चहार दीवारें ढह सकें । लेकिन इस बिल को पास करके हम उन फौलादी चहारदीवारों को भी तोड़ सकेंगे । उन विभिन्न जातियों में विवाह होंगे तो जाति पांति टूटेगी । ऐसे विवाहों से जो संतानें होंगी उनके लिये हमने कुछ कानून बनाये हैं लेकिन फिर भी उनसे उनको पूरे तरीके से सोशल सिक्योरिटी (सामाजिक सुरक्षा) नहीं मिल सकेगी । लेकिन इस बिल के पास होने से हम इस दिशा में और आगे बढ़ेंगे । इस प्रकार के गोद लिए हुए बच्चों को वे सारे अधिकार होंगे जो कि असली बच्चों को होते हैं और इसमें लड़कियों के लिए भी प्रावीजन है । इस कानून के पास होने के बाद गोद लेने में केवल लडकों का ही महत्व नहीं रह जायेगा, बल्कि लड़कियो को भी उतना ही महत्व मिल जायेगा और इस तरह से हम स्त्री और पुरुष को समान सामाजिक और आर्थिक अधिकार देने की दिशा में भी आगे बढ़ेंगे और इस प्रकार हम इस कानून को पास करके स्त्री पुरुष की समानता को अपने देश में बढ़ायेंगे ।

और इसी तरीके से हम अपने इस समाज को आगे की तरफ बढ़ाने में मदद करेंगे । इसलिये मैं हाउस के तमाम मेम्बरान से और खास कर

गवर्नमेंट से दरख्वास्त करूंगा कि वह जरूर इस बिल का दिल से समर्थन करें ताकि हम इस कानून को अपने साथ ले जाकर लोगों को बता सकें कि उनके लाभ के लिये संसद ने इसको पास किया है। इस तरह से जहां हम जो हमारी समाज सेविका बहनें हैं और भाई हैं उनकी मदद करेंगे वहां पाटस्कर साहब को भी यह श्रेय होगा कि जहां उन्होंने और बहुत से क्रांतीकारी कदम उठाये हैं वहां इस कानून को भी अपना आशीर्वाद देकर अपने यश में चार चांद लगायें हैं। मैं इस विधेयक का हृदय से समर्थन करता हूं।

श्री घुसिया (जिला बस्ती—मध्य पूर्व व जिला गोरखपुर—पश्चिम—— रक्षित—— अनुसूचित जातियां): उपाध्यक्ष महोदय, मैं इस विधेयक का समर्थन करते हुए इसमें दो एक सुझाव अपनी तरफ से देना चाहता हूं। जिस तरह से आज कल देखा जाता है कि मिथिला, बनारस और बंगाल, बम्बई और मयूखा और मद्रास में जितने स्कूल हैं, जो कि हिन्दू स्कूल (हिन्दू सिद्धान्त) माने जाते हैं, उनमें ऐडाप्शन (दत्तक ग्रहण) के लिये डिफरेंट सिस्टम (भिन्न प्रणाली) हैं। मैं चाहता हूं कि इनमें जो डिफरेंसेज हैं उन सबको हटा कर एक युनिफार्म लाकर दिया जाय ताकि ऐडाप्शन इजी और अच्छा हो जाय। अब तक तो यह है कि बनारस और बंगाल सिस्टम में अगर औरत से मर्द नहीं कहता है कि तुम ऐडाप्शन कर सकती हो तो वह नहीं कर सकती है। उसके कहने पर ही कर सकती हैं नहीं तो नहीं। लेकिन बम्बई और मयूखा में यह है कि वह अपने मन से कर सकती है अगर शौहर ने मना नहीं किया है। मद्रास में यह सिस्टम है कि अगर हस्बैन्ड (पति) के मरने से पहले औरत को ऐडाप्शन की इजाजत नहीं मिली है और वह ऐडाप्ट करना चाहती है, तो वह फैमिली के दूसरे मेम्बर्स की कंसेंट (मंजूरी) से कर सकती है। यह बात नहीं होनी चाहिये, इसका नतीजा यह होता है कि अगर कोई आदमी मर गया और उसकी बीवी ने कोई एडाप्शन कर लिया, तो ऐडाप्टेड लड़के का कोई कुसूर न होते हुए भी उसके साथ बड़ी इन्जस्टिस होती है और उसका हक मारा जाता है प्रापर्टी का। अगर वह अपनी नैचुरल फैमिली में रहा तो उसे कोई तकलीफ नहीं होती, लेकिन अगर वह ऐडाप्ट कर लिया गया तो उसको लालच हो गई कि उसको भी कुछ प्रापर्टी मिलनी चाहिये, लेकिन उसको जब नहीं दिया जाता तब उसको तकलीफ होती है। दरअसल आवश्यकता इस बात की है कि हिन्दू ला के जितने स्कूल्स इस मामले में हैं उन सबको मिला कर एक कर देना चाहिये। अगर ऐडाप्शन का एक कानून हो जायेगा तो मेरे खयाल से ज्यादा अच्छा होगा। और वहां पर हमको इंटेंशन (इच्छा) देखना चाहिये। जिस तरह से हम ट्रस्ट कायम करते समय इंटेंशन देखते हैं, चाहे वह प्राइवेट हो या पब्लिक उसी तरह से ऐडाप्शन में भी इंटेंशन देखना चाहिये और फैक्टम वैलेट (तथ्यों का विवरण) का प्रिंसिपल (सिद्धान्त) रख देना चाहिये। अभी तक तो यह होता है कि अगर किसी तरह से कोई त्रुटि रह गई है तो लड़के को उसके हक से डिबार कर दिया जाता है। अगर लड़के का कोई कुसूर हो तब तो दूसरी बात है, लेकिन यहां तो लड़के का कोई कसूर न होते हुए भी उसे सोसायटी ने और कोर्ट ने डिबार कर दिया। इसलिये मैं इस प्वाइंट को ज्यादा इम्फैसाइज (आग्रह) करूंगा कि देश भर के लिये सारे स्कूल्स को मिला कर एक कानून कर देना चाहिये और उसमें इंटेंशन देखा जाय। अगर इंटेंशन हो तो लड़के को पूरा हक प्रापर्टी में मिलना चाहिये।

दूसरी बात मैं यह कहूंगा कि ऐडाप्शन करते समय अभी तक उसमें जाति पांति की बड़ी रजिडिटी (अनानाम्यता) है। लेकिन अगर हम दरअसल हिन्दुस्तान में यह कहते हैं कि हम जाति पाति को नहीं मानते तो इसमें से भी जाति पति को हटा देना चाहिये। असल में वहां पर मानवता का विचार होना चाहिये। अगर आप पूरे देश के लिये कानून बनाते हैं और पूरे देश में मानव धर्म चलाना चाहते हैं तो आप जाति पाति के रोड़े को हटाइये। इसमें यह नहीं होना चाहिये कि अगर ऐडाप्टिव ब्वाय किसी पार्टिकुलर जाति का नहीं होगा तो उसका ऐडाप्शन इन्वैलिड हो जायेगा। अभी तक तो यह होता है कि यदि ऐडाप्टिव ब्वाय ऐडाप्टिंग फैमिली के जाति का नहीं होता है तो उसको डिबार कर दिया जाता है। यह गलत है। वह किसी भी जाति का हो, अगर ऐडाप्ट करने का इंटेंशन है तो उसको प्रापर्टी के हक से डिबार नहीं होना चाहिये। किसी भी जाति का हो, चाहे हिन्दू हो, चाहे मुसलमान हो, या किसी भी कंट्री का हो अगर ऐडाप्टिव पेरेन्ट्स ने ऐडाप्ट कर लिया हैं तो ऐडाप्टेड चाइल्ड को बराबर का हक मिलना चाहिये।

इसके बाद मैं यह कहना चाहूंगा कि अभी तक ऐडाप्शन के मामले में शूद्रों के लिये अलग कानून हैं, कास्ट हिन्दू के लिये अलग कानून है। अगर किसी शूद्र ने ऐडाप्ट कर लिया है तो

[श्री घुसिया]

भले ही ऐडाप्शन -इन्वैलिड (अमान्य) हो, लेकिन ऐडाप्टिव ब्वाय को प्रापर्टी में हिस्सा मिलेगा । पर अगर किसी कास्ट हिन्दू (स्वर्ण हिन्दू) ने ऐडाप्ट किया है और ऐडाप्शन इन्वैलिड है तो ऐडाप्टेड ब्वाय को सिर्फ मेन्टेनेन्स (साधारण व्यय) मिलेगा । यह कितना बड़ा डिस्क्रिमिनेशन (भेदभाव) आप करते हैं । क्या जो शूद्र हैं वह हिन्दू नहीं है ? जब वह भी हिन्दू कहलाते हैं तो आप उनके साथ डिस्क्रिमिनेशन (भेदभाव) क्यों करते हैं । आपको ऐसा कानून नहीं रखना चाहिये और अगर ऐसा कानून है तो उसको आप को ऐमेंड करना चाहिये तथा सबके लिये एक कानून बनाना चाहिये । यहां पर भी इंटेंशन पर जोर देना चाहिये । अगर ऐडाप्ट करने का इंटेंशन है तो उसको पूरा हक मिलना चाहिये । जब तक आप ऐसा नहीं करेंगे तब तक आप मानव धर्म की सेवा नहीं कर सकेंगे । न तो आप जो सैक्रमेंट (संस्कार) की बात करना चाहते हैं वह कर सकेंगे ।

इस सिलसिले में मैं यह कह दूं कि अगर आप जिन्दा आदमियों को उसके कोलेटरल फैमिली (सांपार्रिवर्क परिवार) को जो आस पास के, नजदीक के रिश्तेदार हैं, उनको इस संसार में सुख नहीं दे सकते हैं, अगर आप लड़के के ऐडाप्शन को इन्वैलिड (अमान्य) करार देते हैं, तो यह सब झूठ है, बेकार है, कि दूसरे संसार में उसके रिश्तेदारों को सुख मिलेगा । पोप के जमाने में जब इंगलैण्ड में यह बात थी तब यहां के लिये भी ठीक हो सकती थी, लेकिन कम से कम अब तो आप इसको यहां पर खत्म कीजिये । अगर इंटेंशन है तो जरूर उसको हक मिलना चाहिये । अगर किसी भी बात में ऐडाप्शन के सिलसिले में कोई कमी रह गई है, तो मैं हाउस से और मिनिस्टर साहब से अर्ज करूंगा कि फैक्टम बैलेट पर ज्यादा जोर दिया जाय । अगर इस पर जोर दिया गया तो किसी तरह की कमी रह जाने पर भी अगर ऐडाप्टेड ब्वाय का कोई कुसूर नहीं है तो उसके साथ इन्जस्टिस (अन्याय) नहीं होगी और वह ऐडाप्शन वैलिड होगा ।

इन सब सुझावों के साथ मैं हाउस से यह कहना चाहता हूं कि वह इस बिल को जरूर पास करे लेकिन यह जरूर किया जाना चाहिये कि कास्ट डिस्टिंक्शन (जाति भेद) हमेशा के लिये हटा दिया जाये ?

Shri Altekar (North Satara) : The Bill which has been placed before the House by Shrimati Jayashri deserves acceptance by the House. This is purely a secular as also a humane measure and there is no question of any religious or other considerations brought out in the Bill. It is not intended only for the Hindu society, but for all citizens in India. I have found in my experience as also practice as a lawyer for more than 30 years that even in Hindu society, persons who intended to take the boy in adoption could not take him because under the Hindu law, persons can be given in adoption only by the father or in his absence by the mother. But it so happens that many a time one likes to take a boy in adoption and that cannot take place because there is no parent alive. This Bill makes up that deficiency by allowing any guardian to give the child in adoption. This is really an improvement over the situation that obtains under the Hindu law. I would like to go even one step further.

If there is no guardian and still if the boy wants to go in adoption, he can go in adoption by his own consent with the acceptance of the person who wants to take him in adoption. Formerly, this was called *swayamdatta*. A person can himself go in adoption though there were no parents or anyone to give. Such adoptions should also be allowed.

There is another point. It should not be applicable only to children under eighteen years of age. Others also should be allowed to go in adoption because it is the secular, human consideration that should prevail and not the consideration whether one is below or above a particular age.

There is a provision here for male and female adoption. It is really an improvement. There should be no distinction on the ground of sex. There were certain persons desirous of taking a girl in adoption; they had no daughters and they desired that they should have a daughter in their family and then they should be able to get a girl in adoption from their relatives. There were cases where girls had been adopted but so far as Hindu law is concerned, it did not recognise such adoptions. In a society, there are certain practices by which things go on but they are not recognised by courts. So, this provision here is a salutary one. It is purely on account of one's affection, love and feeling that one wants to take a child of the relative or a stranger as one's own child. There should be a provision by which this should be possible. There is a craving in one's

heart and that craving should be satisfied. I think this law which has been contemplated and placed before the House by my Hon. Sister, Shrimati Jayashri, is really a good one.

But, I feel that there should not be any intervention by the Court for the purpose of adoption. To go before a Court, to get decrees passed and then take adoption—this procedure should not be a compulsory one. Marriages can be solemnised by mere registration. In the case of adoption also provision should be made to take a girl or boy in adoption by registration. It will be an easier way of taking a boy or girl in adoption; it will be less costly as well. It will be within the reach of a villager. The other procedure is cumbersome.

Therefore, I would like to suggest that there should be an amendment to the effect that if a person wants to take up any child in adoption, he should be allowed to do so by the process of mere registration as in the case of marriage.

Another point that I would like to bring before this House is that, so far as inheritance is concerned, a boy once taken in adoption according to Hindu law forfeits all his rights in the natural family or the family of his parents. I submit, if that boy can inherit in both the families that should be allowed. In olden days, we know the case of Dyamushyana, who can under certain circustances inherit the properties in both the families. Therefore, I would like to suggest, if there are no near heirs like brothers or sisters to inherit, then the boy given in adoption should be in a position to inherit the property of his parents. A provision to that effect should also be made in the case of this law of adoption.

The next point that I would like to make out is that this law of adoption is desired purely from the secular and human point of view. The question of religious efficacy or any other consideration which are there in the Hindu law will not obtain for purposes of such adoption. There should not be any sort of restriction as to the caste or religion in respect of both the parties. One who wants to take a boy or a girl in adoption need not be of the same caste or religion of the boy or the girl. In the Bill now before the House there is no such distinction made.

So far as Hindus are concerned, if anyone wants to take a boy in adoption for purposes of religious efficacy for offering oblations etc., he should be quite free to do it acording to the Hindu law. There is also a provision made here that the Hindu law of adoption will not in any way be affected by this law. If that freedom is given and if the Hindu law of adoption is not touched in so far as it allows anyone to adopt a child for purposes of religious and spiritual satisfaction, then I should think that the Hindus need not in any way be perturbed by this law of adoption, because this provision which we are making for the adoption of children is purely from the point of view of emotion, sentiment, affection and so on. When there are these considerations obtaining in the society, those who want to adopt boys and girls should, I think, be allowed and that process should be made into law as early as possible.

I want to make many more observations, but the time at my disposal is very short. I would like to give my support to this Bill because this has been brought out of purely human and secular considerations. These are matters, I may say, of importance in any society which is advancing culturally.

Shri N. Rachiah (Mysore—Reserved—Sch. Castes): Though I welcome the principle of this important Bill, I would like to point out certain important hardships in the way of the Government accepting this Bill. We have already passed two important chapters pertaining to Hindu Code, that is the Marriage and Divorce Bill and also the Hindu Succession Bill. The next or the last instalment of Hindu Code will be pertaining to adoption. So, I am sure that the Government or the Law Minister is going to bring in a legislation.

Shri Pataskar: I would like to bring to the notice of the hon. Member that what is mentioned in the Statement of Objects and Reasons is: "This Bill is primarily intended for the benefit of communities other than Hindus".

Shri N. Rachiah: Yes. I accept the suggestion. We are in a secular State according to our Constitution. When the first two chapters were discussed in the Hindu Code Bill, many of the Members, particularly, Shri N. C. Chatterjee and others, were of the opinion that there

[Shri N. Rachiah]

must be a uniform civil code governing all the communities. When such is the case, if we adopt this Bill, what will be the consequences? The consequences will be that you cannot observe a uniform civil code. Supposing, we pass or bring forward a uniform civil code, the Muhammadan law does not regard or respect any adoption at all. So, the Muhammadans and the Christians cannot have one civil code. So, if we Hindus accept this adoption principle and impose it upon the other religions which are generally opposed to one civil code, it will be a matter which will be very difficult for all religions to accept.

Another important point which I would like to bring forward to the notice of the House is this. A section of our society is of the opinion that adoption itself should be dispensed with in our society. As a matter of fact, Shri S. V. Ramaswamy has brought forward a Bill that adoption in our society should be immediately dispensed with.

There is also another consideration. According to this Bill, apart from the son being adopted as usual and which we are having already, the mover of the Bill has advocated that even girls should be adopted. I welcome it, but the orthodox section of our society, the Hindu society, has always been opposing it. They want our customary law to be enforced and they are in force now. To some extent, custom and usage have been in force, and they have been accepted by the Hindu Code. So, those people will not accept the principle because it is applied in the case of the girls also. According to my interpretation of our Hindu law, adoption is only meant to see that certain sentiments, sacraments and desires are achieved. If a girl is actually adopted into a family where there are no children, that girl is to be given in marriage to some other family and we adopt this strange girl to our family, and actually we give the same girl to some other family in marriage. So, it is as good as not adopting the girl at all.

Pandit C. N. Malviya : It is not an imposition.

Shri N. Rachiah : I welcome any piece of good legislation. I am only bringing forward the difficulty and hardship which will come in the way of adopting daughters if we accept the particular provisions in the Bill. But this Bill very rightly aims at the protection of the children and in that respect I very strongly support the Bill. It is the most important and primary duty of the Government and the society to take care and protect the children and take interest in child welfare. We have taken very little care in that regard. After the constitution of the Social Welfare Board, I have been seeing that that Board is encouraging child welfare and child protection. Prior to that, there was no attempt to safeguard the interests of the child.

Apart from that, child is the most important wealth of our country and of any nation in the world and as such, I very strongly support that children should be protected and given all encouragement. While doing so, it is natural that our people, especially our poor people, leave their children to the care of Nature. Even rich people in our country have in general not thought of giving any encouragement or protection to the children and as such I very strongly support the provisions in this Bill. The provisions for child welfare and compulsory education of children belonging to all communities irrespective of caste, creed or sex, should be given immediate effect as incorporated in the Directive Principles of our Constitution.

I would like to bring to the notice of the House that by adopting this Bill, there will be some complications. Though the principle of the Bill can be welcomed from the point of view of giving encouragement to the facilities to children, by adopting this, very many hurdles, hardships and difficulties will be put in the way of the Government and our society also, because ours is a country where Muslims, Christians, Hindus and people belonging to so many other religions live. Therefore, it will be very difficult to bring forward one civil code for all. But, I hope Government will bring forward one civil code governing all the people belonging to all the religions who are living in our country.

Shri N. B. Chowdhury (Ghatal) : I rise to give my support to the Bill brought forward by Shrimati Jayashri. So far as I can see, this Bill relates to adoption to a certain extent. As the hon. Minister of Legal Affairs just pointed out, according to the Statement of Objects and Reasons, nothing in this Bill is intended to affect the existing law of

adoption applicable to Hindus. But in clause 3 of the Bill, it has been said as follows :

> "Provided that nothing contained in this Act shall affect the provisions of Hindu Law relating to the adoption of a son."

So, here the restriction is only with regard to the son; but, the hon. mover of this Bill has said that this should apply in the case of female children also. Therefore, she seeks to remove this discrimination regarding the adoption of the female children.

Shrimati Jayashri : In the Statement of Objects and Reasons, I have said that those who are desirous of adopting a child under this Act may do so.

Shri N. B. Chowdhury : That strengthens the point. That is the answer to what the hon. Minister has pointed out. This Bill liberalises the adoption procedure and removes certain restrictions and discriminations that prevail now. So, I think there will be no difficulty in adopting this measure at this time.

Without taking further time of the House, I will just conclude by making one observation. Unless the Government seriously brings forward certain other measures to improve the general social ethics in our country and also to improve the economic, cultural and social conditions in the country, any kind of piecemeal legislation will not go a long way towards removing the various difficulties standing in the way of the adoption of children and the other difficulties that are there in our society.

Shri M. D. Joshi (Ratnagiri South) : As I read the Statement of Objects and Reasons, I am confronted with contradictions. As pointed out by the hon. Minister, in the last paragraph it is said :

> "This Bill is primarily intended for the benefit of communities other than Hindus."

So, it would be seen that the Bill is intended to be made applicable to all persons other than Hindus. But, in para. 2, it is said like this :

> "At present adoption of "Dattaka-vidhan" is considered necessary only to perform sacramental and ablution rites for ancestors, and only a son is entitled to perform this ceremony. Therefore, girls are not taken in adoption and a child is taken in adoption which is nearest of kin or from the same ancestral family of the adoptive father."

Mr. Deputy-Speaker : Is the hon. Member likely to take some more time?

Shri M. D. Joshi : Yes.

Mr. Deputy-Speaker : He may continue on the next day.

The House stands adjourned till 10-30 A.M. on Monday.

6 P.M.

The Lok Sabha then adjourned till Half Past Ten of the Clock on Monday, the 21st May, 1956.

COLUMNS

PAPER LAID ON THE TABLE 8827

A Copy of Tripura Foodgrains (Movement) Control Order, 1956 published in the Ministry of Food and Agriculture Notification No. S.R.O. 1018 dated the 2nd May, 1956, was laid on the Table.

MESSAGES FROM RAJYA SABHA . . 8827-28

Secretary reported

(i) that Rajya Sabha had no recommendations to make to Lok Sabha in regard to the Travancore-Cochin Appropriation Bill, 1956, passed by Lok Sabha on the 14th May, 1956;

(ii) that at its sitting held on the 10th May, 1956, Rajya Sabha had passed the Industrial Disputes (Amendment) Bill, 1956;

(iii) that the Rajya Sabha at its sitting held on the 14th May, 1956 concurred in the recommendation of the Lok Sabha that Rajya Sabha do agree to nominate seven members from the Rajya Sabha to the Public Accounts Committee for the year 1956-57 and that at its sitting held on the 17th May, 1956, Chairman declared seven Members duly elected to the said Committee.

COLUMNS

BILL AS PASSED BY RAJYA SABHA, LAID ON THE TALBE . 8828

Industrial Disputes (Amendment) Bill, as passed by Rajya Sabha, was laid on the Table.

REPORT OF ESTIMATES COMMITTEE PRESENTED . . 8829

Twenty-seventh Report was presented.

BILLS INTRODUCED . 8829-31

(i) Indian Institute of Technology (Kharagpur) Bill.

(ii) Travancore-Cochin State Legislature (Delegation of Powers) Bill.

BILLS PASSED . . 8832-67

The discussion on motion to pass, as amended, the Representation of the People (Second Amedment) Bill was concluded and the Bill was passed as amended.

BILL UNDER CONSIDERATION . . 8867-8906

Discussion on motion to consider the Life Insurance Corporation Bill, as reported by the Select Committee, was commenced. The discussion was not concluded.

COLUMNS

REPORT OF COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS ADOPTED 8906-07

Fifty-third Report was adopted.

PRIVATE MEMBER'S BILL INTRODUCED. 8907

Shri S. V. Ramaswamy introduced the Indian Penal Code (Amendment) Bill (*Amendment of Section* 494).

PRIVATE MEMBER'S BILL NEGATIVED . 8908-27

Further discussion on Shri T. B. Vittal Rao's Mines (Amendment) Bill was continued. The motion to consider the Bill was negatived.

COLUMNS

PRIVATE MEMBER'S BILL UNDER CONSIDERATION . . 8927-32 8936-52

Discussion on motion to consider the Indian Adoption of Children Bill by Shrimati Jayashri was commenced. The discussion was not concluded.

REPORT OF RULES COMMITTEE . . 8936

Fourth Report was presented.

AGENDA FOR MONDAY 21ST MAY, 1956—

Consideration of Life Insurance Corporation Bill, as reported by the Select Committee.

PDS.

GIPN—S4—131 Lok Sabha—13-2-57—840